M. T. CICERONIS

ORATIONES

QUÆDAM SELECTÆ,

IN

USUM DELPHINI,

CUM

INTERPRETATIONE ET HISTORIA SUCCINCTA

RERUM GESTARUM ET SCRIPTORUM

M. T. CICERONIS.

IN THIS EDITION ARE INTRODUCED ALL THE VALUABLE NOTES OF THE DAUPHIN EDITION, TRANSLATED INTO ENGLISH, SELECTIONS FROM DUNCAN AND OTHER COMMENTATORS, AND ORIGINAL OBSERVATIONS.

BY JOHN G. SMART.

SECOND EDITION, CORRECTED AND IMPROVED,

WITH A LIFE OF CICERO, IN ENGLISH.

Philadelphia:

PUBLISHED AND FOR SALE BY TOWAR AND HOGAN,

No. 255 Market Street.

....

1828.

ADVERTISEMENT.

In presenting to the public a second edition of Cicero's Orations with English notes, the Publishers feel a pleasure in having an opportunity of expressing their gratitude for the kind reception which this work has hitherto met with. New undertakings are always attended with difficulties; and changes are seldom effected in things of long standing, till a fair investigation has been made of the advantages to be gained by them. A work of this kind, the Publishers were well aware, could not be brought into general use at once, but they would do injustice to the public, were they to say that the encouragement they have received did not fully equal their expectations. To much originality they do not pretend. Their design was merely to give a fair translation of the notes accompanying the Dauphin editions of this work; which they trust has been accomplished. A few original remarks, as will be observed by the reader, and some extracts from Duncan and other Commentators, are occasionally to be met with, while some of the notes in the Dauphin editions have been left out where they did not appear to be of any material advantage to the student. It was their principal design to publish an edition of Cicero's Orations for the use of schools. They have, therefore, omitted many things which they would have introduced under other circumstances, but which, in a school book, would have been of no advantage,

while they inhanced the price. Great care has been taken in the correction of the press, and the notes have all been revised, and some of them considerably enlarged. A few alterations and corrections have been made where they seemed necessary, and an English argument given to each oration; nor have any pains been spared, on their part, to have the execution, in all respects, such as will meet the approbation of the public.

RECOMMENDATION.

The following note, received by the publishers, expresses the opinion of a very eminent classical scholar, as to the manner in which the translation of the Dauphin Notes has been executed:

MESSRS. TOWAR & HOGAN,—

I have had the pleasure of seeing the manuscript copy of Mr. J. G. Smart's translation of the Latin Notes, accompanying the Dauphin Edition of Cicero's Select Orations. With much satisfaction I state, that so far as my inspection of it, and comparison with the original, extended, (for time did not permit me to give it an entire perusal,) I consider it to be accurately and neatly executed. The value of this edition, in the existing state of classical literature, will be greatly enhanced by the consideration of the following fact, but too well attested by the experience of most teachers,—That many of their pupils are too indolent, not to say too ignorant, to peruse the Latin notes for themselves. Moreover; we are beginning now to admit as a truth, what should always have been considered as axiomatic, viz. That all *helps*, introductory to an acquaintance with the dead languages, should be more plain, and more easily accessible, than those languages are themselves—in other words, the thing *explaining* should always be *plainer*, than the thing *explained*.

Gentlemen,—I heartily wish you success in the edition you are publishing, and remain, very respectfully,

Yours, &c.

SAMUEL B. WYLIE, (D. D.)

Philadelphia, July 24th, 1826.

PREFACE.

To facilitate the acquisition of knowledge, constitutes the most prominent feature in our present system of education. Every thing calculated to impede the scholar has been laid aside, and the sources of information so opened, that study becomes a pleasure rather than a task. In no part of education have the effects of improvement been more obvious, than in the attainment of a correct knowledge of the Latin and Greek languages. For a long time it was a matter of just complaint, that the notes which were written upon difficult passages in the ancient classics; and, which, when rightly understood, were calculated to give the reader correct views of the author's meaning, were written in Latin of a peculiar kind, often more difficult to be understood than the text itself. If the present edition of Cicero's Orations should be found to remove these difficulties, the editor will consider himself as fully repaid for his labour.

The compilers of the notes in the Dauphin editions of the classics, took great care to collect a mass of useful information, and many of their notes and observations are of such importance as to merit the attention of the student. But, as they have hitherto appeared, that which was intended to aid the scholar is of no advantage to him. This was a difficulty that could not be entirely remedied by the use of dictionaries; the variety of significations, of which many words are susceptible, and of which, an enumeration is always indispensible in a lexicon, often perplexed the scholar and rendered a short explanatory note desirable. We need say nothing of the advantages

which he will derive from having the notes and explanations given him in a language to which he has been accustomed from his infancy, as this must be evident to every person. To accomplish so desirable an object, and make the Dauphin notes answer the end for which they were originally designed, it was thought advisable to publish a new edition of these Orations with English notes. Almost all the notes of the former Dauphin editions have been translated and published in this, and others are introduced, which, it is believed, are well calculated to explain and remove the difficulties that occur. The Latin text is printed from one of the best of these editions, carefully compared with others, and has, in some instances, been corrected, where, from a comparison of editions, the reading was manifestly erroneous.

Philadelphia, July, 1826. J. G. S.

HISTORIA SUCCINCTA

RERUM GESTARUM ET SCRIPTORUM

M. T. CICERONIS.

Anni Urbis Cond.	*Anni ante Ordinat. Julianam labentes.*	*Anni ætatis. Tullii exacti.*	
647	62	—	M. TULLIUS CICERO Arpini natus iii. Non Januar.
664	45	17	In Juris Civilis studio operam dedit Q. Mutio Scævolæ J. C.
665	44	18	Philonem Philosophum Academicum, qui Mithridate eo tempore in Græciam exercitum mittente, Athenis Romam profugerat, in Philosophia audivit.
666	43	19	Apollonio Moloni Rhodio Rhetori in Oratoria operam dedit.
672	37	25	P. Quinctium oratione privatim defendit coram M. Tullio et Cn. Dolabella Coss.
673	36	26	Sext. Roscium Amerinum ad L. Syllam et Q. Pium Coss. publicè defendit.
674	35	27	Susceptâ peregrinatione Asiaticâ, Athenis Antiochum Academicum in Philosophia 6 menses audivit.
675	34	28	Asiâ et Rhodo peragratâ Romam rediit à Molone Rhodio laudatus.
678	31	31	Quæsturam petit; mox Sex. Peducæi Prætoris Siciliæ Quæstor.
684	25	37	Ædilis Curulis Verrem accusavit. Pro Fonteio et pro Cæcina dixit.
687	22	40	Prætor Urb. inter 8 primus, Orationes pro lege Maniliâ et pro Cluentio habuit.
689	20	42	Filium Marcum ex Terentiâ uxore suscepit.
690	19	43	Consul factus, Orationes 12 Consulares habuit, de L. Agraria 3. contra P. Servilium Rullum: pro C. Rabirio Perduellionis reo: pro Murænâ: 4. in L. Catilinam, cujus Conjurationem in Senatum detexit, fortiterque repressit: et tres alias, quæ perierunt. Et ab hoc tempore, usque ad extremum vitæ 16 libros Epistolarum ad Atticum scripsit.
691	18	44	Consulatu abiens, præter morem, publico juramento affirmavit, suâ unius operâ remp. et urbem esse salvam. Frater ejus Q. Tullius Prætor Urbanus.
692	17	45	Idem Q. Tullius Asiæ Prætor per triennium.
695	15	47	Valerium Flaccum Oratione defendit.
694	14	48	Clodii furoribus cedens in Macedoniam exul abiit: et maximam rei familiaris jacturam fecit.
696	13	49	Romam honorificè ab exilio reductus Prid. Non. Septemb. Orationes post reditum in Senatu: ad Quirites: pro Domo: de Harusp. Responsis, habuit.
697	12	50	Acta Clodiana rescidit. Tulliam filiam Crassipedi de-

			sponsavit. Orat. pro Sextio habuit, et interrogationem in Vatinium.
698	11	51	Scripsit libros 3. de Oratore: et 6 de Republica, qui interierunt. Orationem habuit in Pisonem.
699	10	52	Cn. Plancium ambitûs reum defendit. Scripsit ad Lentulum longam illam Epistolam Lib. I. Famil. itemque illas ad Trebatium. C. Rabirium Posthumum defendit.
700	9	53	Epistolas ad Curionem scripsit.
701	8	54	Orationem habuit pro T. Annio Milone.
702	7	55	Ariobarzanem juniorem Regem Cappadociæ restituit. Próconsul in provinciam Siciliam profectus Parthos et Arabas ad Amanum Montem feliciter devicit, Imperator ab exercitu salutatus. Epistolæ primæ lib. 15. et Cœlii ad Cic. lib. 8. et ad Cœlium lib. 2. et ad Appium Pulchrum lib. 3. exaratæ.
703	6	56	Filiam suam Tulliam viduam Dolabellæ desponsavit.
704	5	57	Proconsul Capuam Atque oram maritimam Campaniæ obtinuit: cùm Cæsar Hispaniis occupatis Massiliam expugnasset, Epistol. lib. 7, 8, 9, 10, ad Atticum scripsit.
705	4	58	Dyrrhachii fuit cùm prælium Pharsalicum inter Cæsarem et Pompeium committeretur.
706	3	59	Brundusii Cæsarem Victorem ex Ægypto reducem expectavit.
707	2	60	Ad Cæsarem Orationem habuit pro M. Marcello. Libros reliquos Oratorios scripsit: item illos de Finibus: Quæstiones Academicas et Tusculanas et de Natura Deorum. Epistolas scripsit ad Torquatum et Cæcinam. Cum Terentia divortium fecit.
708	1 *An. ord. Jul.*	61	Virginem nomine Publiliam uxorem duxit. Tulliam filiam amisit partu extinctam. Paulò pòst conjugem Publiliam dimisit. Orationes pro Ligario, et pro Rege Dejotaro habuit ad Cæsarem, qui sub id tempus anni formam ordinavit.
709	1	62	Post Cæsaris cædem Idibus Martiis factam libros de Divinat. et de Fato scripsit. Athenas ad filium Marcum navigaturus, ventoque adverso in Italiam rejectus, in itinere confecit Epistolas ad Atticum lib. 16. itemque Topica ad Trebatium: Romamque reversus 3 libros de Officiis, cùm ante hos librum quoque de Senectute ad Atticum scripsisset.
710	2	63	Philippicas in M. Antonium dixit. Epistolas ad Plancum lib. 10. Famil. et ad D. Brutum lib. 2. et ad Cassium lib. 12. misit: sub finem anni à Cæsare Octavio fil. quem suis ante sententiis ornaverat, proscriptus: paulò pòst Antonii jussu per Popilium in fuga interfectus est.

LIFE

OF

M. T. CICERO.

M. T. CICERO was born at Arpinum, on the third day of January, A. U. C. 648, one hundred and six years before the Christian era. Of his parentage, we know but little. His mother, whose name was Helvia, was a woman of unblemished reputation, and of noble descent. Among his paternal ancestors was Attius Tullus, a prince of the Volsci, who, by the wisdom and equity of his government, obtained great popularity with the people over whom he reigned.

Of the origin of the name, there are different accounts. Pliny supposes, that some one of the family was first called Cicero from his occupation, the culture of vetches. But the more generally received opinion is, that the name was given in consequence of an excresence, that grew on the face of one of his predecessors, in the form of a vetch. Cicero was one of those geniuses that gave early indication of future greatness, and when a boy was remarkable for his industry and attainments. Poetry was, at first, his favourite study; but it was not cultivated to the neglect of any of the more useful branches of education. At the age of seventeen, he wrote a poem called Pontius Glaucus; but which, like all his other poetical compositions, except a few fragments, is lost.

Of his character as a poet, Plutarch speaks with approbation; but whether he had much merit in this respect, is doubtful. Juvenal and some others, who were better judges of Latin poetry, have expressed very different opinions.

It was in another field that Cicero's powers were to unfold themselves. Before his time, eloquence had not been much studied at Rome, and the palm of victory was granted, with general consent, to the Greeks. Great effects, it is true, had often been produced, by their orators, both in the senate and in the assemblies of the Roman people. But their style was not that which would please an enlightened and polished audience; nor had any of them made the graces of oratory a subject of particular study. Cicero was the first who united elegance of diction, and propriety of manner, with the force of energy and persuasion.

When Cicero had attained a knowledge of the elementary branches of education, he attended the lectures of Philo, the Academician, the disciple of Clitomachus, who was then at Rome. About the same time, he studied law with Mucius Scœvola, one of the ablest of the Roman advocates, and shortly afterwards made his first appearance at the bar. The cause in which he was employed on that occasion was well calculated to exhibit the powers of the young orator to great advantage. Sylla had ordered the estate of one who had fallen a victim to his cruelty, to be sold at auction. The purchaser was a freedman of Sylla, whose name was Chrysogonus, and the price two thousand *drachmæ*, a sum far below its value. These proceedings were highly resented by Roscius, the son of the deceased, who hesitated not to say that it was worth two hundred and fifty talents. To have his conduct thus publicly censured, was more than Sylla felt disposed to bear, and immediately entered a prosecution against Roscius for the murder of his father. Roscius, by this circumstance, was brought into serious danger; for such was the dread of Sylla's cruelty that no one dared to appear as his advocate. In this predicament he applied to Cicero, who was prevailed on by his friends to undertake his defence, in which he succeeded in such a way as to equal their most sanguine expectations.

But this glory was not achieved without considerable hazard, and Cicero, to save himself, left Rome and sought an asylum at Athens, where he heard the lectures of Antiochus the Ascalonite, with whose graceful manner and easy flow of eloquence he was highly delighted. From Athens he went to Asia, and availed himself of the instructions of Xenocles of Adramyttium, Dionyssius of Magnesia, and Menippus of Caria. He next visited Rhodes, where he attended on Appollonius the son of Molo, a rhetorician of great eminence, and Pasidonius the Philosopher.

After the death of Sylla, he returned to Rome, where he soon rose to the highest standing at the bar. The first public office to which he was appointed, was the quæstorship of Sicily; and in the discharge of its duties, acted with so much equity and circumspection, as to obtain the approbation, not only of his friends, but of the Sicilians in general. Of this, we need no better proof than the fact of their applying to him, shortly afterwards, to advocate their cause in the prosecution of Verres. It is not necessary at present, nor do our limits admit, that we should follow him through all the grades of advancement to the consulship. It is sufficient to say, that whatever office he filled his character was still the same for justice and moderation. In his forty-third year he was elected consul. His competitor was the celebrated Catiline, whose claims were urged with great eagerness by himself

and friends, with the expectation, that his election would insure success to the conspiracy that was then in agitation against the Republic. Catiline was formed by nature for daring enterprises, and was of all the men in Rome, best calculated to take the lead in such an adventure. But his schemes, however deeply laid, did not escape the observation of Cicero, by whom they were completely frustrated, and whose activity on the occasion, was rewarded with the highest encomiums. Public thanks were decreed to him by the Senate. A public thanksgiving was also decreed in his name, in honour of the gods, because, by him the city had been preserved from conflagration, the citizens from massacre, and Italy from war. This was the more flattering, in as much as no decree had hitherto been made by the Senate to any one, for more than eminent services done to the commonwealth; but this was for the preservation of its existence.

But good is seldom without its mixture of evil. So it proved to Cicero in the present case; and circumstances arising from the suppression of this conspiracy, led ultimately to his banishment. Some were displeased with his conduct; others envied his success, and all who did not entertain views similar to his own, felt disposed to injure him. Among these, were several of the magistrates for the ensuing year, particularly Cæsar, Metellus, and Bestia. Cæsar's influence was then considerable enough to occasion him trouble; and if it had not been that Cato espoused his cause, an open rupture would, no doubt, have been the consequence. In a speech which he delivered on the occasion, he represented the consulship of Cicero in so favourable a manner, that the highest honours were decreed to him; and he was called *the father of his country;* a mark of distinction which none ever obtained before him.

Among those who espoused the cause of Cicero during the conspiracy of Catiline, was the celebrated Publius Clodius. His adventure in the house of Cæsar, and his violation of the rights of the goddess Bona, are too well known to need repetition. During the time of the prosecution that was carried on against him by Cæsar, for his misconduct on that occasion, he insisted that he was absent from the city when the outrage was committed, and was urgent on Cicero to testify that what he asserted was the fact. Cicero, however, had too great a regard for the truth to violate it in the slightest manner, even though at the instance of his friend; but asserted, that he came that very day to his house, to consult him on business. Clodius, however, in some way or other, gained the affections of the people so completely, that they determined to have him liberated; and the judges, partly through terror, and partly through bribery, complied with their re-

quest. Clodius, shortly afterwards, was elected tribune, and, as might be expected, determined to ruin Cicero. He secured the favour of the people, by indulging their wishes; and the consuls, by decreeing them the government of large and wealthy provinces. Cæsar was now about to set out on his expedition to Gaul. Cicero, to avoid the fury of Clodius, applied to be taken along with him as his lieutenant, which was readily granted. Clodius perceiving, that by this means Cicero would escape his vengeance, pretended to be anxious for a reconciliation, and succeeded so far as to prevail on Cicero to lay aside all thoughts of his expedition. Cæsar was so much offended that he alienated Pompey entirely from his interest. Nor did he stop here; but declared openly before the people, that he had been guilty of a gross violation of justice, in putting Cethegus and Lentulus to death, without any form of trial. To this charge Cicero was summoned to answer; nor did it require much penetration to see that the current of popularity was entirely changed. His friends advised him to leave the city, which he did privately in the night. But no sooner was he gone, than a decree of banishment was passed against him. His house was burnt and his goods confiscated. In a short time, however, Pompey changed his views, and used every exertion to have him recalled. The people, too, soon joined with him in these exertions. A decree was passed for his restoration with great unanimity by the Senate; and Cicero, after an absence of sixteen months, returned to Rome, amidst the acclamations of every rank.

Some time after this, the province of Cilicia was allotted to him; for which he soon set out with an army of fourteen thousand six hundred men. Among other things entrusted to his charge, was the bringing of Cappadocia to submit to king Ariobarzanes; which he accomplished by pacific measures, to the entire satisfaction of all parties. During the whole time of his administration in Cappadocia, he acted with great circumspection. He checked the commotions that were raised in Syria, in consequence of the miscarriage of the Roman army in Parthia. No presents were received by him from the neighbouring princes; nor did he require the province over which he was set to keep a public table for him, as was the general custom; but entertained all who honoured him with a visit at his own expense. He kept no porter at his gate; but received his visitors himself. His measures were all of a pacific character; nor was he ever known to use severity in the administration of justice during his continuance in the province.

On his return to Rome, he found public affairs in such a crisis as to alarm him. A civil war seemed almost inevitable; to prevent

which, he made use of every exertion in his power, but to no purpose. Neither Cæsar nor Pompey were to be moved. When Cæsar passed the Rubicon, Pompey fled from Rome, accompanied by many of the principal citizens. But though Cicero had hitherto preferred his cause to that of Cæsar, he did not follow him in his flight. Some thought, from this circumstance, that he intended to join Cæsar; but be this as it may, it is certain that he was very undecided as to the measures he ought to pursue. Speaking of the feelings of his mind at this juncture, in one of his epistles, he says, 'Whither shall I turn? Pompey has the more honourable cause; but Cæsar manages his affairs with the greatest address, and is most able to save himself, and his friends. In short, I know whom to avoid, but not whom to seek.' A friend of Cæsar's, at length, whose name was Tribatius, wrote to him, that Cæsar thought he had reason to consider him as a friend, and intended to treat him as a partner of his hopes. Cicero was surprised that Cæsar should have employed another to write on so important a subject, and answered indignantly, that he would do nothing unworthy of his political character.

When Cæsar, however, marched for Spain, Cicero repaired to Pompey. On his arrival, Cato rebuked him for the steps he had taken. 'As for me,' said Cato, 'it would have been wrong to leave that party which I embraced from the beginning; but you might have been much more serviceable to your country and your friends, if you had staid at Rome, and accommodated yourself to events; whereas, now, without any reason or necessity, you have declared yourself an enemy to Cæsar, and are come to share in the danger with which you had nothing to do.'

These remarks of Cato produced a considerable change in the opinions of Cicero, particularly when he found that Pompey did did not entrust him with any important service. Nor did he hesitate to express his dissatisfaction of the measures that he adopted, or his plan of conducting the war.

Cicero was not present at the battle of Pharsalia, in consequence of indisposition. After that event, he was requested by Cato to take the command of a large body of forces that lay at Darrychium. But he declined entirely to have any thing more to do with the war. This gave great offence. Young Pompey, and several of his friends, charged him with being a traitor to his country, and would, in all probability, have dispatched him, if Cato had not interposed and removed him from the camp. He immediately repaired to Brundusium to meet Cæsar on his return from Egypt. Contrary to expectation, however, Cæsar landed at Tarentum. When Cicero was apprised of this, he set out for his camp. Cæsar

received him with kindness, and, dismounting to embrace him, treated him with the greatest respect.

In the conspiracy against Cæsar, he had no hand. It is not certain that he was even apprised of the designs of those by whom it was accomplished. Cicero was a republican from principle, and no one was more eager for the restoration of the commonwealth than he was; but the conspirators were probably too much afraid of his natural timidity, and his advanced years, to think him a suitable person to take an active part in such an enterprise.

When the death of Cæsar had prepared the way for Antony's advancement, it was soon perceived that nothing short of absolute power would satisfy his ambition. By this circumstance Cicero was again brought into danger. The great dissimilarity of their lives and principles, had long been the source of jealousy and dislike between them. In addition to this, Cicero was known to be the friend of Brutus, and to have much weight in the administration, as it was established after Cæsar's death. Fearful of Antony's success, Cicero intended to go with Dolabella to Syria, but was prevailed on by Hirtius and Pansa, the consuls elect, to relinquish that intention. They had formed the design of destroying Antony, and were anxious to engage him in the same project. Cicero, though without much confidence of their success, agreed to pass the summer at Athens, and return when they entered upon their office. He, accordingly, embarked for that city, but was driven back by contrary winds to Leucopetra. During his stay with his friend Valerius, near that place, he was informed that the affairs of the public began to wear a more favourable aspect; and that there was some prospect of a general peace.

Giving up all thoughts of his intended voyage, he immediately returned to Rome. Crowds came to meet him at the gate of the city, and almost a whole day was spent in congratulating his arrival. The Senate was convened the next day, by the order of Antony; and Cicero was particularly requested to attend. With this, however, he did not comply, from an apprehension that his life was in danger, of which it seems he had received some intimation. Antony was highly incensed, and threatened openly in the Senate to burn his house, if he did not come immediately; but at the request of a number of the members who interposed, the matter was dropped. On the next day Cicero attended, tho' Antony did not appear, and delivered the first of his orations, called his Philippics. Things had now come to such a pitch, that a rupture seemed unavoidable. When they met, they passed each other in silence, and lived in mutual distrust.

About this time, Cæsar Octavius arrived in Rome, from Appollonia, and had an interview with Cicero. Their meeting was of a friendly character; and it was agreed that they should use every exertion to promote their mutual interest. Cicero was prevailed on the more readily to adopt such measures, in consequence of a dream, which he had some time before, of which the particulars are the following. He had called some boys, as he imagined, the sons of Senators, to the capitol, because Jupiter designed to pitch upon one of them for sovereign of Rome. When they appeared, Octavius was chosen. A voice was heard, as he imagined in his dream, proclaming the following remarkable words: 'Romans, this is the person who, when he comes to be your prince, will put an end to your civil wars.' This vision, as is reported, made such an impression on Cicero, that he distinctly retained the appearance of the boy, though he had never yet seen him. On the following day he went to the Campus Martius, when the boys were just returning from their exercises, and, to his surprise, the first one that met his eye, was the very lad that he had seen in his dream. Astonished at the discovery, Cicero inquired who he was, and ever afterwards treated him with great kindness.

This dream, together with the circumstance of his being born the same year that Cicero was consul, were the pretended reasons of their connexion. It was supposed, however, by many, that the true cause, on Cicero's part, was his hatred of Antony, and his ambition to take an active part in the administration of the government.

Cicero's power, at this time, was at its greatest height. He expelled Antony, and raised such a spirit of opposition against him, that the consuls, Hirtius and Pansa, were sent to give him battle. He likewise prevailed with the Senate to grant Octavius the *fasces*, with the dignity of Prætor, as one that was fighting for his country.

When the two armies met, Antony lost the day, but both the consuls fell in the engagement. After the action, the troops of Hirtius and Pansa, ranged themselves under the banners of Octavius. But the Senate, afraid of the views of so young a man, favoured by fortune, as he was, endeavoured to draw his forces from him. They insisted that as Antony was put to flight, there was no need to keep such an army on foot. Alarmed at their measures, Octavius sent some friends to entreat Cicero to procure the consulship for them both; Cicero, did not perceive the designs of Octavius, and suffered himself to be imposed upon by his duplicity.

But it was not long before he found his mistake. Octavius no sooner obtained his object, than he gave up Cicero, and reconciling himself with Antony and Lepidus, divided the empire with them,

as if it had been a private estate; and, in order to accomplish their object, proscribed about two hundred of those who appeared to stand most in their way. But the greatest difficulty was to determine how to dispose of Cicero. Antony would come to no terms till he was taken off. Lepidus agreed with Antony; but Octavius opposed them both. To settle this point, they had a private meeting at Bononia, which lasted three days. During the two first, Octavius plead for Cicero, but on the third he gave him up. The terms on which they agreed were, that Octavius should abandon Cicero to his fate; Lepidus, his brother Paulus; and Antony, Lucius Cæsar, his maternal uncle.

While these proceedings were in operation, Cicero was at his Tusculan villa; but, on hearing what was done, he removed to Astyra, his country seat. Astyra was near the sea, and Cicero, on his arrival, found a vessel at the shore, in which he embarked, and soon landed at Circæum. Here he left the sea and travelled towards Rome a hundred furlongs, on foot. Repenting, however, of what he had done, he again made for the sea, but was still undecided as to what he should do. At last, he put himself in the hands of his servants, and ordered them to carry him to Cajeta by water, where he had arrived but a short time when the assassins came up. Their commanders were, Herennius, a centurion, and Pompilius, a tribune, whom Cicero had formerly defended, when under a prosecution for parricide. The doors were broken open, but Cicero did not appear. The servants who were found said they knew nothing about him; but a young man, named Philologus, informed the tribune that they were carrying him by a concealed path toward the sea, upon which he took a few soldiers and ran to intercept their passage. Cicero, no sooner perceived what was done, than he ordered his servants to set down the litter. When the party came up, he looked them full in the face, then putting his head out of the litter, Herennius gave him the fatal blow. His head and hands were cut off, and brought to Rome by the command of Antony; who no sooner saw them, then he cried out 'Now let there be an end of all proscriptions,' then ordered them to be fastened up over the *rostra*.

Thus fell Cicero, in the sixty-fourth year of his age; a man to whom his country was much indebted for his eminent services. As a patriot, none stood higher, and none had more the public good at heart, or acted from purer motives. With him fell the liberties of Rome; and if his measures were not all dictated by the wisest policy, they were dictated by one who was a friend to his country, when but few appeared disinterestedly in its defence.

IN

Q. CÆCILIUM,

DE ACCUSATORE IN C. VERREM CONSTITUENDO, ORATIO QUÆ DIVINATIO DICITUR.

THE occasion of this oration was as follows: Verres having governed Sicily for three years with the title of prætor, distinguished himself in that employment by every art of oppression and tyranny. When his command was at an end, all the people of Sicily, those of Syracuse and Messina excepted, resolved to impeach him upon the law of bribery and corruption, and applied to Cicero, who had formerly been quæstor among them, that he would manage the prosecution. Cicero, though he had hitherto employed his eloquence only in defence of his friends, yet readily undertook the present cause, as it was both just and popular, and gave him an opportunity of displaying his abilities against Hortensius, the only man in Rome that could pretend to rival him in the talent of speaking. In the mean time, Quintus Cæcilius Niger, who had been quætor to Verres, and an accomplice with him in his guilt, claimed a preference to Cicero in the task of accusing, and endeavoured to get the cause into his hand in order to betray it. He pretended to have received many personal injuries from Verres: that having been quæstor under him, he was better acquainted with his crimes: and lastly, that being a native of Sicily, he had the best right to prosecute the oppressor of his country. Cicero refutes these reasons in the following oration, which is called the *Divinatio,* because the process to which it relates is wholly conjectural. For the cause not properly regarding a matter of fact, but the claim and qualifications of the accusers, the judges, without the help of witnesses, were to *divine*, as it were, what was fit to be done. This happened in the 37th year of Cicero's age, and the 685th of Rome. The affair was decided in favour of Cicero.

EXORDIUM.

In quo, causas affert quare nunc petit accusare Verrem, qui hactenùs plures defendit.

I. SI quis vestrûm, Judices, aut eorum qui adsunt, fortè miretur, me, qui tot annos in causis judiciisque publicis ita sim versatus, ut defenderim multos, læserim neminem, subitò nunc mutatâ voluntate ad accusandum descendere: si mei consilii causam rationemque cognoverit, unà et id quod facio probabit, et in hâc causâ profectò nemi

NOTES.

1. *Eorum qui adsunt.*] Either assessors, or spectators of senatorial rank without power, were present. Because it was not the duty of magistrates to judge, but to appoint judges.

2. *In causis judiciisque publicis.*] Some causes were private, such as controversies, which concerned private persons only; others were criminal, and belonged to the whole republic: whence *Cic. pro Cecinna,* 'all trials at law are intended either to settle private controversies, or to punish malefactors.'

4. *Ad accusandum descendere.*] He excuses himself, because he had undertaken the duty of prosecutor, which properly belonged to young men. But he had passed that age without once being prosecutor.

5. *Unà et id.*] That is, he at the same time with others.

6. *Cùm quæstor.*] Cicero had been

nem præponendum esse mihi [a] actorem putabit. Cùm Quæstor in Siciliâ fuissem, Judices, itaque ex eâ provinciâ decessissem, ut Siculis omnibus, jucundam, diuturnamque memoriam Quæsturæ, nominisque mei relinquerem: factum est, uti cùm summum in veteribus patronis multis, tum nonnullum etiam in me præsidium suis fortunis constitutum esse arbitrarentur: qui nunc populati atque vexati, cuncti ad me [b] publicè sæpè venerunt, ut suarum fortunarum omnium causam, defensionemque susciperem; me sæpè esse pollicitum, sæpe ostendisse dicebant, si quod tempus accidisset, quo tempore aliquid à me requirerent, commodis eorum me non defuturum; venisse tempus aiebant, non jam ut commoda sua, sed ut vitam, salutemque totius provinciæ defenderem: sese jam ne Deos quidem in suis urbibus, ad quos confugerent, habere: quòd eorum simulacra sanctissima C. Verres ex delubris religiosissimis sustulisset: quas res luxuries in flagitiis, crudelitas in suppliciis, avaritia in rapinis, superbia in contumeliis, efficere potuisset, eas omneis sese hoc uno Prætore per triennium pertulisse: rogare et orare, ne illos supplices aspernarer, quos, me incolumi, nemini supplices esse oporteret. Tuli graviter et acerbè, Judices, in eum me locum adductum, ùt aut eos homines spes falleret, qui opem à me atque auxiliam petîssent, aut ego, qui me ad defendendos homines ab ineunte adolescentiâ dedissem, tempore atque officio coactus ad accusandum traducerer. Dicebam, habere eos actorem Q. Cæcilium, qui præsertim Quæstor in eàdem provinciâ post me Quæstorem fuisset. Quo ego [c] adjumento sperabam hanc à me mo-

INTERPRETATIO.

a *accusatorem* b *publico* consilio. c *excusatione*.

quæstor four years before this, during the prætorship of Sextus Paduceus, who was succeeded by C. Sacerdos, and he by Verres. There were two quæstors in Sicily, one at Lilybæum, the other at Syracuse. Cicero was at Lilybæum.

9. *In veteribus Patronis.*] The ancient patrons of the Sicilians were Marcellus, sprung from that Marcellus who took Syracuse; the Scipiones, because Scipio Africanus, when he took Carthage brought back to Sicily the ornaments which had been formerly carried away by the Carthagenians, and the *Metelli,* who impeached M. Lepidus for his misconduct whilst quæstor in that province.

11. *Populati atque vexati.*] The Sicilians were greatly oppressed by the avarice and cruelty of Verres, as will appear from this and the following orations.

12. *Ad me publicè.*] After the manner of orators, he says, that all had come to him; though none had come from either Messana or Syracuse.

19. *Ex delubris.*] Asconius makes this difference between *delubra* and *templa*, the *templa* were single uncovered places, dedicated to the Gods: *delubra* were many edifices under one roof, protected from the showers of rain.

21. *Per triennium pertulisse.*] The Prætors continued regularly in office only one year: but, if they were not removed at the end of the first or second year, they continued in office three years. The fact was simply this, Arrius, after his election to the prætorship of Sicily, as the successor of Verres, was sent to quell the insurrection that was raised by the celebrated Spartacus, in which service he lost his life, and, in the interim, Verres continued to hold the office, though his regular time of service was expired.

24. *Nemini.*] He has omitted alteri, lest this high encomium should appear to have been austentatiously usurped by him.

Ib. *Graviter et acerbè.*] Cicero bore it with reluctance, that, contrary to his custom, he was obliged to prosecute; but he viewed it with indignation when he reflected on the sufferings of the Sicilians, who had been badly treated by Verres.

27. *Habere eos.*] He says, that he had previously rejected the office of prosecutor against Verres.

28. *Post me.*] Not immediately, for Cicero was quæstor when Sext. Peduceus was Prætor, and Cæcilius when Verres was prætor; but Sacerdos was prætor between Peduceus and Verres.

lestiam posse dimoveri, id mihi erat [a] adversarium maximè: nam illi multo mihi hoc facilius [b] remisissent, si istum non nôssent, aut si iste apud eos Quæstor non fuisset.

II. Adductus sum, Judices, officio, fide, misericordiâ, multorum bonorum exemplo, veteri consuetudine, institutoque majorum, ut onus hoc laboris atque officii, non ex meo, sed ex meorum necessariorum tempore mihi suscipiendum putarem. Quo in negotio tamen illa me res, Judices, consolatur, quod hæc, quæ videtur esse accusatio mea, non potiùs accusatio quàm defensio est existimanda. Defendo enim multos mortales, multas civitates, provinciam Siciliam totam. Quamobrem si mihi unus est accusandus, propemodùm manere in instituto meo videor, et non omninò à defendendis hominibus, sublevandisque discedere. Quòd si hanc causam tam idoneam, tam illustrem, tam gravem non haberem: si aut hoc à me Siculi non petiissent, aut mihi cum Siculis causa tantæ necessitudinis non intercederet, et hoc, quod facio, me reipub. causâ facere profiterer, ut homo singulari cupiditate, audaciâ, scelere præditus, cujus furta atque flagitia non in Sicilia solùm, sed in Achaiâ, Asiâ, Ciliciâ, Pamphyliâ, Romæ denique ante oculos omnium maxima turpissimaque nossemus, me [c] agente in judicium vocaretur: quis tandem esset, qui meum factum aut consilium posset reprehendere? Quid est, proh Deûm hominumque fidem! in quo ego reipub. plus hoc tempore prodesse possim? Quid est, quod aut populo Rom. gratius esse debeat, aut sociis, exterisque nationibus

a *contrarium.* b *concessissent.* c *accusante.*

31. *Non nôssent.*] The Sicilians knew Cæcilius, as he was a Sicilian by birth, and because they knew that he was ignorant and dishonest, they did not dare to trust their cause to him.

1. *Officio.*] As Cicero had been quæstor, he was still bound to lend his assistance at their request.

Ib. *Fide.*] He had promised to promote their interest, and he ought to perform his promise.

Ib. *Misericordiâ.*] As the Sicilians were cruelly oppressed, he was bound to relieve them.

2. *Exemplo.*] P. Sulpitius cited C. Norbanus, a seditious citizen, to trial. L. Fusius accused M. Aquilius. Vide lib. 2, offic.

Ib. *Consuetudine.*] Not young men as at present, but aged and grave men had been accustomed to accuse in actions of the commonwealth, and in defending any one from injury; but this is an action for the defence of the Sicilians.

3. *Non ex Meo, sed, &c.*] Hotomanus says, that *tempore* is here put for *ratione*, the present state of affairs, that is for the present convenience or inconvenience to which we must see according to the present state of affairs.

Ib. *Necessariorum.*] As the Sicilians were his friends, he was particularly bound to perform his duty to them above all others.

8. *Si mihi unus.*] Though I accuse one, yet this action cannot be called an accusation, but a defence, because I defend the Sicilians, and their cities against Verres.

Ib. *In instituto meo.*] Cicero boasts that it had been his general practice to defend persons, and that he had prosecuted few.

10. *Causam tan idoneam.*] That cause is proper for an orator from which he can derive much honour.

Ib. *Tam illustrem.*] From the quæstorship which he sustained.

Ib. *Tam gravem.*] On account of the important things which it contains.

13. *Reipub. causâ.*] Cicero had impeached Verres not from enmity nor private injuries, not for reward, nor for any other cause, but the public good. He says, that he had not called any other person. Ver. 5.

15. *Achiâ, Asiâ, Cilicia, &c.*] Verres, whilst lieutenant of Dolabella, and proquæstor, had, on account of his crimes, rendered himself odious to the inhabitants of the provinces. Achia is a country of Greece enclosed by the sea on all sides except the north, its capital was Corinth. Cilicia is a country of Asia Minor, joining Syria. Pamphylia is also in Asia Minor, and situated on the Mediterranean sea.

Ib. *Roma.*] Verres had also been city prætor at Rome.

20. *Aut sociis.*] There were three kinds of allies: those who had been conquered

optatius esse possit, aut saluti, fortunisque omnium magis accommodatum sit? Populatæ, vexatæ, funditus eversæ provinciæ: socii stipendiariique populi Romani afflicti, miseri, jam non salutis spem, sed exitii solatium quærunt. Qui judicia manere apud ordinem Senatorium volunt, queruntur accusatores se idoneos non habere, qui accusare possunt, judiciorumq: severitatem desiderant. Populus Rom. intereà, tametsi multis incommodis, difficultatibusque affectus est, tamen nihil æquè in repub. atque illam veterem judiciorum vim, gravitatemque requirit. Judiciorum desiderio, tribunitia potestas efflagitata est: judiciorum [a] levitate, ordo quoque alius ad res judicandas postulatur. Judicum culpâ atque dedecore etiam censorium nomen, quod asperius anteà populo videri solebat, id nunc poscitur: id jam populare, atque plausible factum est. In hâc libidine hominum nocentissimorum, in populi Rom. quotidianâ querimoniâ, judiciorum infamiâ, totius ordinis offensione, cùm hoc unum his tot incommodis remedium esse arbitrarer, ut homines idonei, atque integri causam reipub. legumque susciperent: fateor me salutis omnium causâ ad eam partem accessisse reipubl. sublevandæ, quæ maximè laboraret.

a *improbitate.*

in war, to whom laws were dictated: those who were equal in war, with whom they had made a treaty of friendship; and those who had never been enemies, but had always been united to them in the bonds of friendship.

24. *Qui judicia.*] Sylla transferred the privilege of judging from the knights to the Senators, because they had assisted Cinna against him. But these last did not execute their trust with fidelity, for it was a prevailing opinion concerning them, that a rich man, however guilty, could not be condemned.

25. *Accusatores idones.*] Persons were unfit for prosecutors, either because they were young and unskilful, or because they had been bribed. Hence the audacity of wicked citizens was not restrained by the fear of prosecution.

26. *Judiciorum severitas.*] The severity of judicial proceedings is made conspicuous by condemning the guilty and acquitting the innocent.

27. *Multis incommodis, difficultatibusque.*] *Incommoda* were things past which had been chiefly brought upon the Republic by Sylla, who had robbed the Roman people of their lands, and of the rights of citzienship: *difficultates* are things present, but no decisions were now honest.

28. *Judiciorum vim.*] The equæstrian order had been judges for almost fifty years, without being once suspected of receiving money, but it afterwards exercised its authority with no less infamy than the Senators.

29. *Tribunitias potestas.*] Previous to the dictatorship of Sylla the tribunes had power to cite any one to trial before the people, not only a Senator, but also a magistrate who had been bribed for his decision. *Vide Orat. pro Cluentio.* But this power which Sylla had taken away was restored in a few months by Pompey and Crassus the Consuls.

30. *Ordo alius.*] The equestrian.

31. *Censorium nomen.*] Censors were created every fifth year to watch over and correct the morals of the citizens. If they had marked a Senator, he was cast out of the Senate: if a knight, he was deprived of his horse; if a common person, he was marked in the register of the *Cærites*, and thus deprived of his dignity, and removed from the register of his century.

32. *Id nunc proscitur.*] Though this office had been odious to the people, yet the corruption in the courts of justice had become so great that the people themselves demanded its restoration. It was then restored, and Gellius and Lentulus, who were appointed Censors, removed sixty-four Senators.

35. *Ordiniis.*] The Senators were much offended because there was nothing better for the public interest than that Aurelius Cotta should report a law, that the knights should again judge in connection with the Senators and tribunes of the treasury, which law was passed after a few months. Whence Verr. 7. Itaque cum primo agere Cœpimus, lex non erat promulgata.

36. *Idonei.*] Those who excelled young men both in dignity and authority.

37. *Integri.*] Those who would not be bribed, and who could not oppose those by

PARTITIO sive CONSTITUO CAUSÆ.

III. Nunc, quoniam quibus rebus adductus ad causam accesserim, demonstravi, dicendum necessariò est de contentione nostrâ, ut in constituendo accusatore, quod sequi possitis, habeatis. Ego sic intelligo, Judices, cùm de pecuniis repetundis nomen cujuspiam deferatur, si certamen inter aliquos sit, cui potissimùm [a] delatio detur, hæc duo in primis spectari oportere: quem maximè velint actorem esse ii, quibus factæ esse dicantur injuriæ: et quem minimè velit is, qui eas injurias fecisse arguatur.

CONFIRMATIONIS PRIMA PARS.

Quod Siculi accusatorem Ciceronem, minimè Cæcilium velint.

IV. In hâc causâ, Judices, tametsi utrumque esse arbitror perspicuum; tamen de utroque dicam, et de eo priùs, quod apud vos plurimùm debet valere, hoc est, de voluntate eorum, quibus injuriæ factæ sunt: quorum causâ judicium de pecuniis repetundis est constitutum. Siciliam provinciam C. Verres per triennium depopulatus esse, Siculorum civitates vastâsse, domos exinanîsse, fana spoliâsse dicitur. Adsunt, queruntur Siculi universi: ad meam fidem, quam habent spectatam jam et diu cognitam, confugiunt: auxilium sibi per me à vobis, atque à populo Romano legibus petunt: me defensorem calamitatum suarum, me ultorem injuriarum, me cognitorem juris sui, me actorem causæ totius esse voluerunt. Utrum, Q. Cæcili! hoc dices, me non Siculorum rogatu ad causam accedere? an optimorum fidelissimorumque sociorum voluntatem apud hos gravem esse non opportere? Si id audebis dicere, quod C. Verres, cui te inimicum esse simulas, maximè existimari vult, Siculos hoc à me non petiisse: primùm causam inimici tui [b] sublevabis, de quo non præjudicium, sed planè judicium jam factum putatur: quod ita percrebuit, Siculos omneis actorem suæ causæ contra illius injurias quæsîsse. Hoc si tu inimicus ejus factum negabis, quod ipse, cui maximè hæc res obstat, negare non audet; videto, ne nimiùm familiariter inimicitias exercere videare. Deinde sunt testes viri clarissimi nostræ civitatis, quos omneis à me nominari non est necesse: eos qui adsunt,

a *accusatio.* b *defendes.*

whose vice the decisions were rendered void.

4. *De pecuniis repetundis.*] Crimen repetundarum was where a charge of extortion was brought against any magistrate, so called, because the allies sued in an action of damages, and demanded the money taken from them contrary to the laws.

Ib. *Nomen cujuspiam.*] To complain of any one is not to prosecute, but to declare him guilty of some crime before a magistrate or judge. But the complaint was always followed by a prosecution.

6. *Fana spoliasse.*] Some suppose that *fanum* was derived from *Faunis*, others, from fando, because divine oracles were usually given them; others, from *Faunus*, who, according to Probus, was the founder of these places.

10. *Me cognitorem.*] Brissonius says, *Cognitor* was formerly the person who plead the cause of another, as if his own. But now the same word is taken for that judge who takes cognizance of a cause, and hears it debated.

16. *Non præjudicium.*] Præjudicium, according to Asconius, is a previous judgment, which, when determined upon, becomes a precedent, which they are to follow. Judicium denotes the issue, and final determination of the cause.

20. *Ne Nimium familiariter*, &c.] This is irony, see that you feign yourself an enemy, as you are notorious for prevarication.

21. *Sunt testes.*] Whose testimony would prove that Cicero had been chosen prosecutor by the Sicilians.

appellabo, quos, si mentirer, testeis esse impudentiæ meæ minime vellem. Scit is, qui est in [a] consilio, C. Marcellus: Scit is, quem adesse video, Cn. Lentulus Marcellinus: quorum fide, atque præsidio Siculi maximè nituntur, quòd omninò Marcellorum nomini tota illa provincia adjuncta est. Hi sciunt, hoc non modo à me petitum esse, sed ita sæpè, et ita vehementer esse petitum, ut aut causa mihi suscipienda fuerit, aut officium necessitudinis repudiandum. Sed quid ego his testibus utor, quasi res dubia, aut obscura sit? Adsunt homines ex totâ provinciâ nobilissimi, qui præsentes vos orant, atque obsecrant, Judices, ut in actore caûsæ suæ deligendo, vestrum judicium à suo judicio ne discrepet. Omnium civitatum totius Siciliæ legationes adsunt, præter duas civitates: quarum duarum, si adessent, duo crimina vel maxima minuerentur, quæ cum his civitatibus C. Verri communicata sunt. At enim cur à me potissimùm hoc præsidium petiverunt? Si esset dubium, petissent à me præsidium nec-ne, dicerem cur petiissent. Nunc verò cùm id ita perspicuum sit, ut oculis judicare possitis, nescio cur hoc mihi detrimento esse debeat, si id mihi objiciatur, me potissimùm esse delectum. Verùm id mihi non sumo, Judices, et hoc non modò in oratione meâ non ponò, sed ne in opinione quidem cujusquam relinquo, me omnibus patronis esse præpositum. Non ita est, sed uniuscujusque temporis, valetudinis, facultatis ad agendum [b] ducta ratio est. Mea fuit semper hæc in hâc re voluntas, et sententia, quemvis ut hoc mallem de iis, qui essent idonei, suscipere, quàm me: me ut mallem, quàm neminem.

V. [c] Reliquum est jam, ut illud quæramus, cùm hoc constet, Siculos à me petiisse, ecquid hanc rem apud vos, animosque vestros valere oporteat: ecquid auctoritatis apud vos in suo jure repetundo socii populi Rom. supplices vestri habere debeant. De quo quid ego plura commemorem? quasi verò dubium sit, quin tota lex de pecuniis repetundis sociorum causâ constituta sit. Nam civibus cùm sunt ereptæ pecuniæ, civili ferè actione, et privato jure repetuntur. Hæc lex socialis est . hoc jus nationum exterarum est: hanc habent arcem

a *in cœtu.* b *habita.* c *restat.*

24. *C. Marcellus.*] One of the assessors who sat in judgment with the prætor in this case.

25. *Lentulus Marcellinis.*] Lentulus Marcellinus, the near kinsman of Marcellus, was present. Of whom Cicero says, in *lib. de Clar. Orat. Lent.* Marcellinus was always eloquent, but in his consulship he excelled in this art.

26. *Marcellorum nominis.*] The family of the Marcelli were devoted to the service of the Sicilians, on account of Marcellus, who took and preserved Syracuse.

29. *Officium necessitudinis.*] This duty does not arise merely from the ties of blood, but also from benevolence.

34. *Præter duas civitates.*] Syracuse and Messana did not accuse Verres: Messana was the receptacle of his plunder, Syracuse the abode of his sensuality.

Ib. *Temporis.*] He shows why the Marcelli did not prosecute: 1. Because Marcellus was a judge. 2. Because Marcellinus was in bad health. 3. Because the other Marcellus was not so eloquent as skilled in the civil law.

46. *Quam neminem.*] The Sicilians preferred Cicero as an accuser before Cæcilius.

4. *Supplices vestri.*] The Sicilians.

5. *Lex de pecuniis repetundis.*] This law was first proposed by L. Piso, tribune of the people, who was called the honest, as Cicero says, *lib de Clar. Orat.* in the year 604, in the consulship of L. Martius and Manilius.

6. *Nam civibus.*] He makes a distinction between civil and social law, the former was public, the latter private.

7. *Civili actione.*] A civil or forensic action was the peculiar privilege of citizens. A private action was that in which the prætor, who judged between private persons, presided.

8. *Socialis.*] The law against extortion was made to defend the fortunes of the al-

minus aliquantò nunc qúidem munitam, quàm anteà: verumtamen, siqua reliqua spes est, quæ sociorum animos consolari possit, ea tota in hâc lege posita est: cujus legis non modò à populo Romano, sed etiam ab ultimis nationibus jampriden severi custodes requiruntur. Quis igitur est, qui neget opportere eorum arbitratu lege agi, quorum causâ lex sit constituta? Sicilia tota, si unâ voce loqueretur, hoc diceret: Quod auri, quod argenti, quod ornamentorum in meis urbibus, sedibus, delubris fuit; quod in unaquâque re beneficio Senatûs populique Romani juris habui; id mihi tu, C. Verres, eripuisti, atque abstulisti: quo nomine abs te sestertiûm millies ex lege repeto. Si universa, ut dixi, provincia loqui posset, hâc voce uteretur. Quoniam id non poterat, harum rerum actorem, quem idoneum esse arbitrata est, ipsa delegit. In hujusmodi re quisquam tam impudens reperietur, qui ad alienam causam, invitis iis, quorum negotium est, accedere aut aspirare audeat? Si tibi, Q. Cæcili, hoc Siculi dicerent; Te non novimus: nescimus quis sis: nunquam te anteà vidimus: sine nos per eum nostras fortunas defendere, cujus fides est nobis cognita: non-ne id dicerent, quod cuivis probare deberent? nunc hoc dicunt: utrumque se nôsse: alterum se cupere defensorem esse fortunarum suarum: alterum planè nolle. Cur nolint, etiamsi taceant, satis dicunt: verum non tacent; tamen his invitissimis te offeres? tamen in alienâ causâ loquere; tamen eos defendes, qui se ab omnibus desertos potiùs, quàm abs te defensos esse malunt? tamen his operam tuam pollicebere, qui te neque velle suâ causâ, nec, si cupias, posse arbitrantur? Cur eorum spem exiguam reliquarum fortunarum, quam habent in legis et judicii severitate positam, vi extorquere conaris? cur te interponis, invitissimis eis, quibus maximè lex consultum esse

lies from those who oppressed them. For, if any magistrate had taken money at any time contrary to the law from the Roman provinces, or their allies, the inhabitants of these provinces could recover their money by a suit for damages in the court established at Rome.

12. *Severi custodes.*] The judges who execute and defend the laws.

13. *Legi agi*] *Agere lege* is to contend in court according to law. The Sicilians wished to try this against Verres, according to the law of extortion.

16. *Beneficio Senatûs.*] Victors either gave new laws to conquered nations, or permitted them to use their own. The Senate had permitted the Sicilians to use their own laws.

18. *Sestertiûm millies.*] The *sestertium* was equivalent to a thousand *sestertii*, about eight pounds sterling, each *sestertius* was equal to two asses and a half. In reckoning by sesterces, the Romans had an art which may be understood by these three rules. First, if a numeral noun agree in case, gender and number with sestertius, then it denotes precisely so many *sestertii* as *decem sestertii*, ten sesterces. Second, if a numeral noun of another case be joined with the genitive plural of *sestertius*, it denotes so many thousand, as *decem sestertium*, ten thousand *sestertii*. Third, if the adverb numeral be joined with the genitive plural, it denotes so many hundred thousand, as *decies sestertium*, signifies ten hundred thousand *sestertii*, or if the numeral adverb be put by itself, the signification is the same; thus *decies* or *vigesies* stands for so many hundred thousand *sestertii*, or so many hundred *sestertia*. This will enable us to discover the sum here mentioned by Cicero. For according to the last of these rules, *millies sestertium* signifies a thousand times, a hundred thousand *sestertii*, or a hundred thousand *sestertia*. And as the sestertium was nearly equal to eight pounds, the whole sum amounts to about eight hundred thousand pounds.

22. *Accedere aut aspirare.*] A person is said *Aspirare ad rem*, when he approaches so near that he can send his breath to it.

32. *Velle suâ causâ.*] In many copies it is read causam suam, defendere being understood according to some interpreters. But it appears that it is not to be changed *Velle enim suâ causâ*, to favour or help another. Thus *Cic. Epist. to Lent. Regis causâ si qui sint, qui velint, &c.*

vult? cur de quibus in provinciâ non optimè es meritus, eos nunc planè fortunis omnibus conaris evertere? cur his non modò persequendi juris sui, sed etiam deplorandæ calamitatis adimis potestatem? Nam, te actore, quem eorum affuturum putas, quos intelligis, non, ut per te alium, sed ut per aliquem teipsum ulciscantur, laborare?

SECUNDA PARS CONFIRMATIONIS.

Quòd Verres minimè velit Ciceronem accusatorem, maximè Cæcilium.

VI. At enim solùm id est, ut me Siculi maximè velint: alterum illud credo obscurum est, à quo Verres minimè se accusari velit. Ecquis unquam tam palàm de honore, tam vehementer de salute suâ contendit, quàm ille, atque illius amici, ut ne hæc mihi [a] delatio detur? Sunt multa, quæ Verres in me esse arbitratur, quæ scit in te, Q. Cæcili, non esse: quæ cujusmodi in utroque nostrûm sint, paulò post commemorabo. Nunc tantùm id dicam, quod tacitus tu mihi assentiare, nullam rem in me esse, quam ille contemnat: nullam in te, quam pertimescat. Itaque magnus ille defensor, et amicus ejus, tibi Hortensius suffragatur, me oppugnat: apertè ab Judicibus petit, ut tu mihi anteponare: et ait hoc se honestè sine ullâ invidiâ, ac sine ullâ [b] offensione contendere. Non enim, inquit, illud peto, quod soleo, cum vehementiùs contendi, impetrare; reus ut absolvatur, non peto: sed, ut ab hoc potiùs quam ab illo accusetur, id peto. Da mihi hoc: concede, quod facile est, quod honestum, quod non invidiosum: quod cùm dederis, sine ullo tibi periculo, sine infamiâ illud dederis, ut is absolvatur, cujus ego causâ laboro. Et ait idem, ut aliquis metus adjunctus sit ad gratiam, certos esse in consilio, quibus ostendi tabellas velit: id esse perfacile; non enim singulos ferre sententias, sed universos constituere: ceratam unicuique tabellam dari cerâ legitima, non illâ infami ac nefariâ. Atque is non tam propter Verrem laborat, quàm quod eum minimè res tota delectat. Videt enim si à pueris nobilibus, quos adhuc elusit, si a quadruplato-

a *accusatio.* b *infamiâ postulare.*

9. *Magnus defensor.*] He calls Hortensius a pleader of distinguished abilities, not because he had defended many persons, but because he had defended Verres with all his skill and eloquence.

12. *Non enim, inquit, illud peto.*] A representation of the manner of Hortensius, to show his dishonesty in bribing the judges.

14. *Da mihi.*] He pretends that Hortensius says this—the judges being corrupted with money.

18. *Metus adjunctus sit.*] A bribe was given to make the judge keep his faith to his corruptor; and that there should be something by which he would be bound to the agreement of promised favour.

19. *Ostendi tabellas velit.*] The judges had each a tablet covered with wax, upon which they wrote the letter A. if they acquitted the person, C. if they condemned him, and N. L., that is *non liquet* if the cause seemed doubtful, and they wished it to be tried over again. These tablets were given to the crier who put them into the urn, and after counting them, declared the majority. Hortensius wished that those judges who had been corrupted should show their tablets before they were placed in the urn.

21. *Cerâ legitimâ.*] That on which A. the letter of acquittal was impressed, which was of one colour.

Ib. *Non illâ infami.*] By *infamus* he intends the wax of different colours upon which the letter C was impressed.

23. *A pueris nobillibus.*] Appius Claudius and Cæsar the one of whom accused Terentius Varro, the other Dolabella. But by the artful management of Hortensius who made use of the tablets of dfferent colours, they were both acquitted.

ribus, quos non sine causâ contempsit semper, ac pro nihilo putavit, accusandi voluntas ad viros forteis, spectatosque homines translata sit, se in judiciis dominari non posse.

VII. Huic ego homini jam antè denuntio, si à me causam hanc vos agi volueritis, rationem illi defendendi totam esse mutandam; et ita tamen mutandam, ut meliore et honestiore conditione sit, quàm quâ ipse esse vult: ut imitetur homines eos, quos ipse vidit amplissimos, L. Crassum, et M. Antonium; qui nihil se arbitrabantur ad judicia, causasque amicorum præter fidem, et ingenium afferre oportere. Nihil erit, quod, [a] me agente, arbitretur judicium sine magno multorum periculo posse corrumpi. Ego in hoc judicio mihi Siculorum causam receptam, populi Rom. susceptam esse arbitror: ut mihi non unus homo improbus opprimendus sit, id quod Siculi petiverunt; sed omninò omnis improbitas, id quod populus Rom. jam diu flagitat, extinguenda, atque delenda sit. In quo ego quid [b] eniti, aut quid efficere possim, malo in aliorum [c] spe relinquere, quàm in oratione meâ ponere. Tu verò, Cæcili! quid potes? quo tempore, aut quâ in [d] re non modò specimen cæteris aliquod dedisti, sed tute tui periculum fecisti? in mentem tibi non venit, quid negotii sit causam publicam sustinere? vitam alterius totam explicare, atque eam non modò in animis Judicum, sed etiam in oculis, conspectuque omnium exponere? sociorum salutem, commoda provinciarum, vim legum, gravitatem judiciorum defendere? Cognosce ex me, quoniam hoc primum tempus discendi nactus es, quàm multa esse oporteat in eo, qui alterum accuset: ex quibus si unum aliquod in te cognoveris, ego jam tibi ipse istuc, quod expetis, meâ voluntate concedam. Primùm integritatem, atque innocentiam singularem: nihil est enim quod minus ferendum sit, quàm rationem ab altero vitæ reposcere eum, qui non possit suæ reddere.

VIII. Hìc ego de te plura non dicam: unum illud credo omneis animadvertere, te adhuc ab nullis nisi à Siculis potuisse cognosci: Siculos hoc dicere, cum eidem sint irati, cui tu te inimicum esse dicis, sese tamen, te actore, ad judicium non affuturos. Quare negent, ex me non audies: hos patere id suspicari, quod necesse est. Illi quidem (ut est hominum genus nimis acutum et suspiciosum) non te ex

a *me accusante.* b *suscipere.* c *cogitatione.* d *causâ.*

Ib. *A quadruplatoribus.*] The quadruplatores were officers whose business it was to take cognizance of state crimes, and prepare articles of impeachment against offenders.

26. *Dominari non posse.*] Hortensius was said to be king of the forum, of which he directed all the decisions by means of the judges whom he had bribed.

3. *Meliore conditioni sit.*] He wishes that he would do better, since he can and ought to act uprightly, which is much easier than corrupting the judges.

4. *Ipse vidit.*] Hortensius was older than Tully, and had seen Crassus and M. Antony, who were the only Roman orators that Cicero praised, whom he has introduced in his *lib. de Orat.* and who, he appears to say, were greater than Hortensius.

15. *Periculum fecisti.*] You yourself have made trial when you prepared yourself in secret.

17. *Totam explicare.*] It was the duty of the prosecutor to exhibit the whole life of him whom he accused, but it could not be expected that Cæcilius would expose the crimes of Verres to which he himself had been privy.

23. *Ipse isthuc.*] Isthuc is here put for istud, as the Romans often changed D into C.

2. *A Siculis.*] None knew Cæcilius better than the Sicilians, for he was a Sicilian by birth and quæstor to Verres in Sicily.

Siciliâ literas in Verrem deportare velle arbitrantur, sed cùm iisdem literis illius prætura et tua quæstura consignata sit, asportare te velle ex Siciliâ literas suspicantur. Deinde accusatorem [a] firmum verumque esse oportet. Eum ego si te putem cupere esse, facilè intelligo esse non posse. Nec ea dico, quæ si dicam, tamen [b] infirmare non possis, te, antequàm de Siciliâ decesseris, in gratiam rediisse cum Verre: Potamonem scribam, et familiarem tuum retentum esse à Verre in provinciâ, cùm tu decederes: M. Cæcilium fratrem tuum lectissimum, atque ornatissimum adolescentem non modò non adesse, neque tecum tuas injurias persequi, sed esse cum Verre, cum illo familiarissimè atque amicissimè vivere. Sunt hæc et alia in te falsi accusatoris signa permulta: quibus ego nunc non utor. Hoc dico, te, si maximè cupias, tamen verum accusatorem esse non posse. Video enim permulta esse crimina, quorum tibi societas cum Verre ejusmodi est, ut ea in accusando attingere non audeas. Queritur Sicilia tota, C. Verrem ab aratoribus, cùm frumentum sibi in cellam imperavisset, et cùm esset tritici modius H-S. II. pro frumento in modios singulos duodenos sestertios exegisse. Magnum crimen! ingens pecunia! furtum impudens! injuria non ferenda! ego hoc uno crimine illum condemnem necesse est.

IX. Tu, Cæcili, quid facies? Utrum hoc tantum crimen prætermittes? an objicies? Si objicies, idne alteri crimini dabis, quod eodem tempore in eâdem provinciâ tu ipse fecisti? audebis ita accusare alterum, ut quò minus tute condemnere, recusare non possis? Sin prætermittes; qualis erit ista tua accusatio, quæ domestici periculi metu, certissimi, et maximi criminis non modò suspicionem, verùm etiam mentionem ipsam pertimescat? Emptum est ex S. C. frumentum ab Siculis prætore Verre, pro quo frumento pecunia omnis soluta non est. Grave est hoc crimen in Verrem, grave, me agente; te accusante, nullum. Eras enim tu Quæstor: pecuniam publicam tu tractabas: ex quâ etiamsi cuperet Prætor, tamen ne qua deductio fieret, magnâ ex parte tua potestas erat. Hujus quoque igitur criminis, te accusante,

a *constantem et liberum.* b *negare.*

7. *Literas in Verrem.*] The testimony which had been drawn up against Verres.

8. *Asportare.*] When any one was appointed prosecutor, he was authorised to seal up and carry to Rome all the papers which related to the accusation. But as Cæcilius was a partaker of the crimes and thefts of Verres, it was not to be expected that he would carry any testimony from Sicily to Rome, which would injure him.

10. *Eum puto.*] Cicero proves from many circumstances that Cæcilius was a thief and a liar, first, because he had returned into favour with Verres before he departed from Sicily.

13. *Potamonem scribam.*] This is the second circumstance, because, as if their common friend, this person had remained in Sicily which he would not have done had he indeed known that a secret grudge existed between Cæcilius and Verres.

14. *Fratrem tuum.*] The third was that his accomplished and well beloved brother remained with Verres.]

22. *Ab aratoribus.*] The Aratores were those who hired the farms of the Roman people to cultivate them.

Ib. *Cellam.*] The store house was the receptacle of domestic property, but it here denotes the yearly income of the prætor which was paid by the Sicilians in a certain quantity of corn, instead of which Verres exacted money, and at such a rate that instead of two *sestertii*, the regular price, he demanded twelve for every measure, which was six times too much.

7. *Emptum est.*] Sicily paid to the Romans as a tribute, a tenth part of her corn. But as the island abounded in corn, the Romans purchased another tenth part from them, for which, according to a decree of the Senate, money was paid.

mentio nulla fiet. Silebitur toto judicio de maximis et notissimis illius furtis et injuriis. Mihi crede, Cæcili, non potest in accusando socios verè defendere is, qui cum reo criminum societate conjunctus est. Mancipes à civitatibus pro frumento pecuniam exegerunt. Quid? hoc, Verre Prætore, factum est solum? non: sed etiam Quæstore Cæcilio. Quid igitur? [a] daturus es huic crimini, quod et potuisti prohibere ne fieret, et debuisti? an totum id relinques? Ergò id omninò Verres in judicio suo non audiet, quod cùm faciebat, quemadmodum defensurus esset, non reperiebat. Atque ego hæc, [b] quæ in medio posita sunt, commemoro. Sunt alia magis occulta furta, quæ ille, ut istius, credo, animos atque impetus retardaret, cum quæstore suo benignissimè communicavit. Hæc tu scis ad me esse delata: quæ si velim proferre, facilè omnes intelligent, vobis inter vos non modò voluntatem fuisse conjunctam, sed ne prædam quidem adhuc esse divisam. Quapropter si tibi indicium postulas dari, quod tecum unà fecerit; concedo, si id lege permittitur: sin autem de accusatione dicimus; concedas oportet iis, qui nullo suo peccato impediuntur, quo minùs alterius peccata demonstrare possint. Ac vide, quantum interfuturum sit inter meam atque tuam accusationem. Ego, etiam quæ tu sine Verre commisisti, Verri crimini daturus sum, quòd te non prohibuerit, cùm summam ipse haberet potestatem: tu contrà, ne quæ ille quidem fecit objicies, ne quâ ex parte conjunctus cum eo reperiare. Quid illa, Cæcili? contemnenda-ne tibi videntur esse, sine quibus causa sustineri, præsertim tanta, nullo modo potest? aliqua facultas agendi, aliqua dicendi consuetudo, aliqua in foro, judiciis, legibus, aut ratio, aut exercitatio?

X. Intelligo quàm [c] scopuloso, difficilique in loco verser: nam cùm omnis arrogantia odiosa est, tum illa ingenii, atque eloquentiæ multò molestissima. Quamobren nihil dico de meo ingenio, neque est quod possim dicere, neque si esset, dicerem: aut, enim id mihi satis est, quod est de me opinionis, quidquid est; aut si id parum est, ego majus id commemorando facere non possum. De te, Cæcili! jam mehercule, hoc extra hanc contentionem, certamenque nostrum familiariter tecum loquar. Tu ipse quemadmodum existimes, vide etiam atque etiam, et tu te collige, et qui sis, et quid facere possis considera. Putas-ne te posse de maximis, acerbissimisque rebus, cùm causam sociorum fortunasque provinciæ, jus populi Rom. gravitatem judicii legumque susceperis, tot res, tam graveis, tam varias, voce, memoriâ, consilio, ingenio, sustinere? Putas-ne te posse, quæ C. Verres in quæsturâ, quæ in legatione, quæ in præturâ, quæ Romæ, quæ in Italiâ, quæ in Achiâ, Asiâ, Pamphyliâque patrârit, ea quemadmodum locis temporibusque divisa sint, sic criminibus, et oratione

a *objicies crimen huic* Verri? b *quæ omnes sciunt.* c *periculoso.*

24. *Benignissimè communicavit.*] He declares that Cæcilius and Verres were both thieves, as if that whole Quæstorship served for a society of thieves, not for a prosecution.

1. *Scopuloso.*] A metaphor taken from sailors fearing a shipwreck.

14. *In quæsturâ.*] Verres was Quæstor to Carbo in the consular province.

Ib. *In Legatione.*] He was the lieutenant of Dolabella in Asia.

Ib. *Romæ.*] He was city prætor at Rome.

15. *In Italiâ.*] Verres was prætor both in Italy and Rome.

Ib. *In Achiâ,* &c.] Where he acted as lieutenant.

distinguere? Putas-ne te posse, id quod in ejusmodi reo maximè necessarium est, facere, ut quæ ille libidinosè, quæ nefariè, quæ crudeliter fecerit, ea æquè acerba, et indigna videantur esse iis, qui audient, atque illis visa sunt, qui senserunt? magna sunt, ea, quæ dico, mihi crede; noli hæc contemnere: dicenda, demonstranda, explicanda sunt omnia: causa non solùm exponenda, sed etiam graviter, copiosèque agenda est: perficiendum est, si quid agere aut perficere vis, ut homines te non solùm audiant, verùm etiam libenter studiosèque audiant. In quo si te multùm natura adjuvaret, si optimis à pueritiâ disciplinis, atque artibus studuisses, et in his elaboràsses, si literas Græcas Athenis, non Lilybæi, Latinas Romæ, non in Siciliâ didicisses: tamen esset magnum, tantam causam, tam exspectatam, et diligentiâ consequi, et memoriâ complecti, et oratione exponere, et voce et viribus sustinere. Fortasse dicis, Quid? ergo hæc in te sunt omnia? Utinam quidem essent: verumtamen ut esse possent, magno studio mihi à pueritiâ est elaboratum. Quòd si ego hæc propter magnitudinem rerum, ac difficultatem assequi non potui, qui in omni vitâ nihil aliud egi, quàm longè tu te ab his rebus abesse arbitrare, quas non modò anteà nunquam cogitàsti, sed ne nunc quidem, cum [a] in eas ingrederis, quæ et quantæ sint, suspicari potes? Ego, qui, sicut omnes sciunt, in foro judiciisque ita verser, ut ejusdem ætatis aut nemo, aut pauci plureis causas defenderint, et qui omne tempus quod mihi ab amicorum negotiis datur, in his studiis [b] laboribusque consumam, quo paratior ad usum forensem promptiorque esse possim; tamen, ita Deos mihi velim propitios, ut cùm illius diei mihi venit in mentem, quo die, citato reo, mihi dicendum sit, non solùm commoveor animo, sed etiam toto corpore perhorresco. Jam nunc mente, et cogitatione prospicio, quæ tum studia hominum, qui concursus futuri sint, quantam exspectationem magnitudo judicii sit allatura, quantam auditorum multitudinem C. Verres infamia concitatura, quantam deinque audientiam orationi meæ improbitas illius factura sit. Quæ cum cogito, jam nunc timeo, quidnam pro offensione hominum, qui illi inimici, infensique sunt, et exspectatione omnium, et magnitudine rerum dignum eloqui possim. Tu horum nihil metuis, nihil cogitas, nihil laboras: et si quid ex vetere aliquâ oratione, JOVEM EGO OPTIMUM MAXIMUM; aut VELLEM, SI FIERI POTUISSET, JUDICES, aut aliquid ejusmodi ediscere potueris, præclarè te paratum in judicium venturum arbitraris. Ac

a *accedis ad eas.* b *defensionibus.*

27. *Athenis.*] Athens was celebrated for the elegance of dialect and great scientific attainments of its inhabitants.

Ib. *Lilybæi.*] Lilybæum was one of the Sicilian promontories, and lay towards Lybia, as Polybius says in lib. 1 de Bello Pumico primo.

Ib. *Non in Siciliâ.*] He here sneers at Cæcilius, and intimates that his education could not be good, as he had studied both Greek and Latin in Sicily, where neither language was cultivated.

41. *Ita Deos Mihi.*] That is, may the Gods favour me so far, as that which I say is true, a species of oath in use among the orators.

42. *Citato reo.*] The accused being called into court, Cicero was somewhat afraid at the beginning of his oration, as he acknowledges in his Cluentiana: *Semper cum metu incipio dicere.*

47. *Audientiam.*] Audientia was a word invented by Cicero to denote attention.

52. *Jovem ego optimum.*] He ridicules Cæcilius as a common-place orator, who thought that he had acquitted himself well if he made use of some trite introduction, such as an invocation of the Gods, or a reprehension of the vices of the times.

si tibi nemo responsurus esset, tamen ipsam causam, ut ego arbitror, demonstrare non posses. Nunc ne illud quidem cogitas, tibi cum homine disertissimo, et ad dicendum paratissimo futurum esse certamen, [a] quîcum modò disserendum, modò omni oratione pugnandum, certandumque sit? Cujus ego ingenium ita laudo, ut non pertimescam: ita probo, ut me ab eo delectari facilius, quam decipi putem posse. Nunquam ille me opprimet consilio: numquam ullo artificio pervertet: nunquam ingenio me suo labefactare, atque infirmare conabitur: novi omneis hominis petitiones, rationesque dicendi: sæpè in iisdem, sæpè in contrariis causis versati sumus. Ita contra me ille dicet, quamvis sit ingeniosus, ut nonnullum etiam de suo ingenio judicium fieri arbitretur.

XI. Te verò, Cæcili, quemadmodum sit elusurus, quàm omni ratione jactaturus, videre jam videor: quoties ille tibi potestatem optionemque facturus sit, ut eligas utrum velis factum esse, nec-ne; verum esse, an falsum: utrum dixeris, id contra te futurum. [b] Qui tibi æstus, qui error, quæ tenebræ, Dii immortales! erunt, homini minimè [c] malo? Quid? cùm accusationis tuæ membra dividere cœperit, et in digitis suis singulas parteis causæ constituere? quid, cum unumquodque transigere, expedire, absolvere; ipse profectò metuere incipies, [d] ne innocenti periculum facesseris. Quid, cùm commiserari, conqueri, et ex illius invidiâ [e] deonerare aliquid, et in te trajicere cœperit? commemorare Quæstoris cum Prætore necessitudinem constitutam? morem majorum? sortis religionem? poteris ne ejus orationis [f] subire invidiam? Vide modò, etiam atque etiam considera; mihi enim videtur periculum fore, ne ille non modò verbis te obruat, sed gestu ipso, ac motu corporis [g] præstringat aciem ingenii tui, teque ab institutis tuis, cogitationibusque abducat. Atque hujusce rei judicium jam continuò video futurum.

XII. Si enim mihi hodie respondere ad hæc, quæ dico, potueris: si [h] ab isto libro, quem tibi magister ludi, nescio quis, ex alienis orationibus compositum dedit, verbo uno discesseris: posse te, et illi quoque judicio non deesse, et causæ atque officio tuo satisfacere arbi-

a *cum quo.* b *quæ conturbatio.* c *callido* d *ne vocaveris innocentem in periculum* capitis. e *cæperit diminuere aliquid, et in te deducere.* f *sustinere.* g *obtenebret.* h *ab istâ oratione* compositâ.

57. *Disertissimo.*] One who, by nature, art, and practice, is always prepared to speak.

58. *Modò disserendum, modò pugnandum.*] *Disserere* is to speak and argue acutely and subtilely, but *pugnare* is to exercise the force and power of oratory. Both of these are necessary to an orator.

1. *Elusurus.*] A metaphor taken from the practice of the gladiators, who avoided the weapons and strokes of their adversary by an inclination of the body.

2. *Optionem facturus.*] A continuation of the metaphor; for the victor always asked his adversary in what part he would be struck.

6. *Et in digitis.*] He carries his railery against Cæcilius so far as even to laugh at Hortensius, who had numbered the heads of his discourse on his fingers.

8. *Transigere.*] In the beginning of an oration we follow our adversary by distinguishing and explaining his arguments.

Ib. *Expedire, absolvere.*] We hasten to the middle, when we produce our arguments, and finish by enlarging and concluding.

12. *Morem majorem.*] The ancients forbade the prosecution of a Prætor by a Quæstor.

Ib. *Sortis religionem.*] The ceremony of the lot should be the most sacred, because the magistrates were chosen by lot.

2. *Isto libro.*] He mentioned the book for that which was contained in it.

Ib. *Magister ludi.*] One who teaches

trabor. Sin mecum in hâc prolusione nihil fueris: quem te in ipsâ pugnâ cum acerrimo adversario fore putemus? Esto: ipse nihil est, nihil potest: at venit paratus cum subscriptoribus exercitatis et disertis. Est tamen hoc aliquid: tametsi non est satis. Omnibus enim rebus is, qui princeps in agendo est, ornatissimus et paratissimus esse debet. Verumtamen L Apuleium esse video proximum subscriptorem, hominem non ætate, sed usu forensi, atque exercitatione tyronem. Deinde, ut opinor, habet Allienum: hunc tamen à subselliis: qui quid in dicendo posset, nunquam satis attendi: in clamando quidem video eum esse bene robustum, atque exercitatum. In hoc spes tuæ sunt omnes: hic, si tu eris actor constitutus, totum judicium sustinebit. Ac ne is quidem tantum contendet in dicendo, quantum potest: sed consulet laudi et existimationi tuæ, et ex eo quod ipse potest in dicendo, aliquantum remittet, ut tu tandem aliquid esse videare. Ut in actoribus Græcis fieri videmus, sæpè illum qui est secundarum, aut tertiarum partium, cum possit aliquantò clariùs dicere, quàm ipse primarum, multùm simmittere, ut ille princeps quàm maximè excellat: sic faciet Allienus: tibi serviet, tibi lenocinabitur, minùs aliquantò contendet, quàm potest.

XIII. Jam hoc considerate, cujusmodi accusatores in tanto judicio simus habituri: cum et ipse Allienus ex eâ facultate, si quam habet, aliquantùm detracturus sit, et Cæcilius tum denique se aliquid futurum putet, si Allienus minùs vehemens fuerit, et sibi primas in dicendo parteis concesserit. Quartum quem sit habiturus, non video, nisi quem forte ex illo grege Oratorum, qui subscriptionem sibi postulárunt, [a] cuicumque vos delationem dedissetis. Ex quibus alienissimis homi-

a *quemcunque vos constituissetis accusatorem.*

the first principles of education. By this he intends to show that Cæcilius had quoted some obsolete author, from which the school-master had been accustomed to bring arguments for his boys.

5. *In hâc prolusione.*] Viz. of apppointing a prosecutor of Verres.

7. *Cum scriptoribus.*] The solicitors were those who assisted the accuser to manage the prosecution. But none could be solicitors unless they had been appointed by the judges: their number, for the most part, as in the present case, was limited to four.

9. *Qui princeps.*] He who was to take the most active part should surpass the others, some of whom are mentioned.

Ib. *Apuleium.*] Apuleius was one of the accusers, who, Cicero says, was both an old man and a bad orator.

12. *Allienum.*] Allienus was concerned only in petty trials, for, according to Nonnius, the tribunes, the quæstors, and inferior judge sat on forms, or *subsellia*, and not in the *sellæ curules* or Roman chair of states.

13. *In clamando.*] He indeed had sufficient strength of lungs, but was destitute of understanding, and therefore unfit for an orator.

18. *Remittet.*] Notwithstanding the stupidity of Allienus, he would be forced to contract his talents and check the sallies of his genius to preserve some character of distinction in the course of the pleading.

19. *Secundarum.*] It often happened that men of superior talents had to play inferior parts, in which case they had to conceal their art, that he who acted the principal part might appear to advantage.

6. *Ex illo grege.*] Through contempt he calls them a herd, viz. a sordid abject race of lawyers, whose great object was to create every delay possible.

7. *Ex quibus alienissimis.*] Men unacquainted with the business of the forum, and strangers to the management of a public trial. These demanded for themselves the right to assist in the prosecution, but were no more versed in forensic matters than Apuleius himself, consequently the hope that they would teach him the use and customs of the forum, was altogether unfounded. Cicero here seems to pun upon the name of Allienus, i. e.

nibus, ita paratus venis, ut tibi [a] hospes aliquis sit recipiendus. Quibus ego non sum tantum honorem habiturus, ut ad ea quæ dixerint, certo loco, aut singulatim unicuique respondeam. Sic breviter, quoniam non consultò, sed casu, in eorum mentionem incidi, quasì præteriens satisfaciam universis. Tantâ-ne vobis inopiâ videor esse amicorum, ut mihi non ex his, quos mecum adduxerim, sed de populo subscriptor addatur? vobis autem tanta inopia reorum est, ut mihi causam præripere conemini potiùs, quàm aliquos à columnâ Mœniâ vestri ordinis reos reperiatis? Custodem, inquit, Tullio me apponite. Quid? mihi? quàm multis custodibus opus erit, si te semel ad meas capsas admisero? qui non solum nè quid enuncies, sed etiam nè quid auferas, custodiendus sis. Sed de isto custode toto sic vobis brevissimè respondebo: non esse hos tales viros commissuros, ut ad causam tantam à me susceptam, mihi creditam, quisquam subscriptor, me invito, [b] aspirare possit. Etenim fides mea custodem rupudiat, diligentia speculatorem reformidat.

CONFUTATIO.

XIV. Verum ut ad te, Cæcili, redeam, quàm multa te deficiant, vides: quàm multa sint in te, quæ reus nocens in accusatore suo cupiat esse, profectò jam intelligis. Quid ad hæc dici potest? non enim quæro quid tu dicturus sis. Video mihi non te, sed hunc librum esse responsurum, quem monitor tuus hic tenet: qui, si te rectè monere volet, suadebit tibi, ut hinc discedas, neque mihi verbum ullum respondeas. Quid enim dices? an id quod dictitas, injuriam tibi fecisse Verrem? Arbitror; neque enim esset verisimile, cùm omnibus Siculis faceret injurias, te illi unum eximium, cui consuleret, fuisse. Sed cæteri Siculi ultorem suarum injuriarum invenerunt: tu, dum tuas injurias per te, id quod non potes, persequi conaris, id agis, ut cæterorum quoque injuriæ sint impunitæ, atque inultæ: et hoc te præteriit, non id solum spectari solere, qui debeat, sed etiam illud, qui possit ulcisci; in quo utrumque sit, eum superiorem esse: in quo

b *ignotus.*

a *pervenire.*

strange as if expressing the real character of the man.

12. *Tantane nobis inopia.*] That is, am I so destitute of friends among the judges?

13. *Sed de populo subscriptor.*] This is spoken with a degree of acrimony, as if these solicitors were from the lowest dregs of society.

15. *Columnâ Mæniâ.*] The Mænian column stood in the forum, and was so called from one Mænius, who when he sold his house to Cato, that he might build a place for public amusement, reserved to himself the right of one column, whence he and his posterity might see the games. At this pillar thieves, and servants who had been guilty of any fault, were punished by the triumviri. At it those who had been guilty of less offences were impeached, and it was frequented by the most profligate and abandoned wretches.

16. *Custodem.*] Spies were appointed over the accusers that they might not be bribed. It was also lawful for the accused to place over the accuser those who should make themselves acquainted with all his measures, that there should be no fraud practiced in the trial.

17. *Ad meas Capsas.*] He says that he would lay up in his satchel, all the letters and records which he had received from Sicily, if he should prosecute Verres.

18. *Ne quid enuncies.*] Of my counsels and intentions against Verres.

23. *Speculatorem.*] There is no need for a spy, since fidelity is never wanting in me.

5. *Monitor tuus.*] Your solicitor Alienus.

alterum, in eo non quid is velit, sed quid facere possit, quæri sole re Quod si ei potissimùm censes permitti oportere accusandi potestatem, cui maximam C. Verres injuriam fecerit: utrum tandem censes hos Judices graviùs ferre oportere, te ab illo esse læsum, an provinciam Siciliam esse vexatam, ac perditam? Opinor, concedis, multo hoc et esse graviús et ab omnibus ferri graviùs oportere. Concede igitur, ut tibi anteponatur in accusando provincia; nam provincia accusat, cùm is agit causam, quem sibi illa defensorem sui juris, ultorem injuriarum, actorem totius causæ adoptavit. At eam tibi C. Verres fecit injuriam, quæ cæterorum quoque animos posset alieno incommodo commovere. Minimè; nam id quoque ad rem pertinere arbitror, qualis injuria dicatur; quæ causa inimicitiarum proferatur. Cognoscite ex me: nam iste eam profectò, [a] nisi planè nihil sapit, nunquam proferet. Agonis est quædam, Lilybætana, liberta Veneris Erycinæ: quæ mulier ante hunc Quæstorem copiosa planè et locuples fuit. Ab hâc præfectus Antonii quidam symphoniacos servos abducebat per injuriam, quibus se in classe uti velle dicebat. Tum illa, ut mos in Siciliâ est omnium Venereorum, et eorum qui à Venere se liberaverunt, ut præfecto illi religionem Veneris, nomenque objiceret, dixit, et se, et omnia sua Veneris esse. Ubi hoc Quæstori Cæcilio; viro optimo, et homini æquissimo, nuntiatum est; vocari ad se Agonidem jubet: judicium dat statim, SI PARERET, eam se, et sua Veneris esse dixisse. Judicant recuperatores id, quod necesse erat; neque enim erat cuiquam dubium, quin illa dixisset. Iste in possessionem bonorum mulieris mittit: ipsam Veneri in servitutem adjudicabat: deinde bona vendit, pecuniam redigit. Ita dum pauca mancipia, Veneris nomine, Agonis, ac religione retinere vult, fortunas omneis, libertatemque suam istius injuria perdidit. Lilybæum Verres venit posteà; rem cognoscit; factum improbat; cogit Quæstorem suum pecuniam, quam ex Agonidis bonis redegisset, eam mulieri omnem annumerare, et reddere.

XV. Est adhuc, id quod vos omneis admirarivideo, non Verres,

a *nisi sit stultus.*

28. *Liberta.* This Agonis is no where mentioned in history. She is said to be freed, because she had finished the term of her priesthood, and freed herself from her obligations.

Ib. *Veneris Erycinæ.*] Venus was so called from Eryx, a high mountain in Sicily, on which was a temple dedicated to her, where, under her inspection, women were educated. Vide Strabo lib. 6. Geographiæ.

30. *Præfectus Antonii.*] This Antony was appointed to guard the sea coast previous to the war with the pirates, but having made war with the Cretans, and this being badly managed, he perished in the attempt.

Ib. *Symphoniacos servos.*] The music servants were kept on board the fleets to exercise the rowers at their station, and to sound the trumpet for those fighting, from which the word comes to denote the trumpet of a fleet.

32. *Omnium venereorum.*] Both men and women, who were consecrated to Venus, the former were called *Venerei*, the latter *Venereæ*.

34. *Viro optimo.*] Ironically.

36. *Judicium dat statim.*] The prætors and quæstors were constituted judges in the provinces in private causes.

37. *Judicant recuperatores.*] These were judges of the equestrian, or the order of the publicans. They were called recuperatores from recuperando, because through them every one could obtain his right.

40. *Mancipia.*] The music servants.

1. *Non Verres sed Q. Mucius.*] The prætor of the province so far acted not like Verres, but as Mucius, a man of singular probity and goodness, would have

sed Q. Mucius; quid enim facere potuit elegantiùs ad hominum existimationem? æquiùs ad levandam mulieris calamitatem? vehementiùs ad Quæstoris libidinem coërcendam? Summè hæc omnia mihi videntur esse laudanda. Sed repentè, è vestigio, ex homine tanquam aliquo Circæo poculo, factus est Verres: redit ad se, atque ad mores suos: nam ex illâ pecuniâ magnam partem ad se vertit, mulieri reddidit quantulum visum est. Hìc tu, si læsum te à Verre esse dices; patiar, et concedam: si injuriam tibi factam quereris; defendam et negabo. Deinde de injuriâ, quæ tibi facta sit, neminem nostrûm graviorem vindicem esse oportet, quàm teipsum, cui facta dicitur. Si tu cum illo posteà in gratiam redîsti, si domi illius aliquoties fuisti, si ille apud te posteà cœnavit, utrùm te perfidiosum, an prævaricatorem existimari mavis? Video esse necesse alterutrum. Sed ego tecum in eo non pugnabo, quo minùs, utrum velis, eligas. [a] Quid, si ne injuriæ quidem, quæ tibi ab illo facta sit, causa remanet? Quid habes, quod possis dicere, quamobrem non modò mihi, sed cuiquam anteponare? nisi fortè illud, quod dicturum te esse audio, Quæstorem illius fuisse. Quæ causa gravis esset, si certares mecum, uter nostrûm illi amicior esse deberet. In contentione suscipiendarum inimicitiarum, ridiculum est putare, causam necessitudinis [b] ad inferendum periculum justam videri oportere. Etenim si plurimas à tuo Prætore injurias accepisses; tamen eas ferendo majorem laudem, quàm ulciscendo mererêre. Cùm verò nullum illius in vitâ recitius factum sit, quàm id quod tu injuriam appellas; hi statuent hanc causam, quam nè in alio quidem probarent, in te, justam ad necessitudinem violandam videri? qui si summam injuriam ab illo accepisti, tamen quoniam Quæstor ejus fuisti, non potes eum sine ullâ vituperatione accusare; si verò nulla tibi facta est injuria, sine scelere eum accusare non potes. Quare cûm incertum sit de injuriâ, quemquam esse horum putas, qui non malit te sine vituperatione, quàm cum scelere discedere? At vide, quid [c] defferat inter meam opinionem ac tuam. Tu, cum omnibus rebus inferior sis, hâc unâ in re te mihi anteferri putas oportere, quòd Quæstor illius fueris: ego, si superior cæteris rebus esses, te hanc unam ob causam accusatorem repudiari putarem oportere. Sic enim à majoribus nostris accepimus, Prætorem Quæstori suo parentis loco esse oportere: nullam neque justiorem, neque graviorem causam necessitudinis posse reperiri, quàm conjunctionem sortis, quàm provinciæ, quàm officii, quàm publicam muneris societatem.

a *quid si ne ratio quidem remanet* conquerendi? b *ad accusandum.* c *distet.*

done. He was Consul nine months in Asia, and had administered the government so uprightly, that the Asiatics appointed a festival in honour of him, which they called *Mucia dies*.

5. *E. Vestigo.*] That is, very shortly, as much time as is consumed in taking one step.

6. *Circæo poculo.*] Cicero here alludes to the famed story of Circe's cup, of which her guests had no sooner drunk, than she touched them with her rod, and by that means changed them into swine. The prætor's name gave rise to this piece of low wit, for Verres in Latin signifies an uncastrated hog.

13. *Perfidiosum, an prævaricatorem.*] *Perfidiosus* signifies one who pretends to be a friend when he is indeed an enemy. If, therefore, Cæcilius be such an one, no confidence can be reposed in him. *Prævaricator* is one who pretends that he is an enemy when he is a true friend. If Cæci-

XVI. Quamobrem, si jure eum possis accusare, tamen, cùm is tibi parentis [a] numero fuisset, id piè facere non posses: cùm verò neque injuriam acceperis, et [b] Prætori tuo periculum crees, fatearis necesse est, te illi injustum impiumque bellum inferre conari. Etenim ista Quæstura ad eam rem valet, ut elaborandum tibi in ratione reddendâ sit, quamobrem eum, cui Quæstor fueris, accuses: non, ut ob eam ipsam causam postulandum sit, ut tibi potissimùm accusatio detur. Neque ferè unquam venit in contentionem de accusando, qui Quæstor fuisset, quin repudiaretur. Itaque neque L. Philoni in C. Servilium nominis deferendi potestas est data, neque M. Aurelio Scauro in L. Flaccum, neque Cn. Pompeio in T. Albucium; quorum nemo propter indignitatem repudiatus est; sed nè libido violandæ necessitudinis auctoritate judicum comprobaretur. Atque ille Cn. Pompeius ita cum C. Julio contendit, ut tu mecum. Quæstor enim Albucii fuerat, ut tu Verris. Julius hoc secum auctoritatis ad accusandum afferebat, quòd ut hoc tempore nos ab Siculis, sic tum ille ab Sardis rogatus ad causam accesserat. Semper hæc causa plurimùm valuit: semper hæc ratio accusandi fuit honestissima pro sociis, pro salute provinciæ, pro exterarum nationum commodis inimicitias suscipere, ad periculum accedere, operam, studium, laborem interponere. Etenim si probabilis est eorum causa, qui injurias suas persequi volunt, quâ in re dolori suo, non reipub. commodis serviunt; quantò illa causa honestior, quæ non solùm probabilis videri, sed etiâm grata esse debet, nullâ privatim acceptâ injuriâ, sociorum atque amicorum populi Romani dolore atque injuriis commoveri? Nuper, cùm in P. Gabinium vir fortissimus et innocentissimus L. Piso [c] delationem nominis postularet, et contrà Q. Cæcilius peteret, isque se veteres inimicitias jamdiu susceptas persequi diceret; cùm auctoritas et dignitas Pisonis valebat plurimùm, tum illa erat causa justissima, quòd eum sibi Achæi patronum adoptârant.

XVII. Etenim, cùm lex ipsa de pecuniis repetundis, sociorum atque amicorum populi Romani causà, comparata sit; iniquum est, non eum legis judiciique actorem idoneum maximè putari, quem actorem causæ suæ socii defensoremque fortunarum suarum potissimùm esse voluerunt. An quod ad commemorandum est honestius, id ad pro-

a *loco.* b *accuses tuum prætorem.* c *peteret accusationem ejus.*

lius be such a person, the management of the cause is not to be committed to him.

4. *Injustum impiumque bellum.*] He here alludes to the custom of the ancient Romans, who never made war until it was declared just by the College of Heralds.

9. *Itaque neque.*] The examples here produced are all of quæstors, who offering to impeach the magistrates under whom they had served, were refused permission by the people, to whom it seemed a bad precedent. Philo was of the plebian branch of the Veturian family, and quæstor to Servius Glausio, the same who perished with the seditious tribune Apulius.

11. *Pompeio.*] This was the father of Pompey the Great, who brought an accusation against T. Albucius, proprætor of Sardinia. This last example quadrates exactly with the case of Cicero and Cæcilius; for Pompey had endeavoured to wrest the impeachment out of the hands of Julius, who had been solicited by the Sardinians to undertake their cause, in like manner as Cicero was by the Sicilians.

26. *L. Piso.*] L. Piso was a lawyer, and whilst tribune of the people, enacted a law against extortion. He impeached P. Gabinius for maladministration in Asia.

27. *Q. Cæcilius.*] This was not the same Cæcilius who sought the right of prosecuting Verres.

30. *Achæi.*] The inhabitants of Pontus, who accused Gabinius of extortion.

bandum non multò videri debet æquius? Utra igitur est splendidior, utra illustrior commemoratio? Accusavi eum, quîcum Quæstor fueram, quîcum me sors, consuetudoque majorum, quîcum me Deorum hominumque judicium conjunxerat. An accusavi rogatu sociorum, atque amicorum? delectus sum ab universâ provinciâ, qui ejus jura, fortunasque defenderem? Dubitare quisquam potest, quin honestius sit, eorum causâ, apud quos Quæstor fueris, quàm eum cujus Quæstor fueris, accusare? Clarissimi viri nostræ civitatis temporibus optimis, hoc sibi amplissimum, pulcherrimumque ducebant, ab hospitibus clientibusque suis, ab exteris nationibus, quæ in amicitiam populi Rom. ditionemque essent, injurias propulsare, eorumque fortunas defendere. M. Catonem illum sapientem, clarissimum virum, et prudentissimum, cum multis graveis inimicitias gessisse accepimus propter Hispanorum, apud quos Consul fuerat, injurias. Nuper Cn. Domitium scimus M. Silano diem dixisse propter unius hominis Egritomari, paterni amici, atque hospitis injurias. Neque enim magis animos hominum nocentium res unquam ulla commovit, quàm hæc majorum consuetodo, [a] longo intervallo repetita atque relata: sociorum querimoniæ delatæ ad hominem [b] non inertissimum, susceptæ ab eo, qui videbatur eorum fortunas fide, diligentiâque suâ posse defendere. Hoc timent homines, hoc laborant: hoc institui, atque adeò institutum referri, ac renovari molestè ferunt. Putant fore, uti si paulatim hæc consuetodo serpere, ac [c] prodire cœperit, per homines honestissimos, virosque fortissimos, non imperitos adolescentulos, aut illiusmodi quadruplatores, leges judiciaque administrentur. Cujus consuetudinis, atque instituti patres majoresque nostros non pœnitebat tum, cùm P. Lentulus, is qui princeps Senatûs fuit, accusabat M. Aquilium, subscriptore C. Rutilio Rufo, aut cùm P. Africanus homo virtute, fortunâ, gloriâ, rebus gestis amplissimus, posteaquam bis Consul et Censor fuerat, L. Cottam in judicium vocabat. Jure tum florebat populi Romani nomen: jure auctoritas hujus imperii, civitatisque majestas gravis habebatur. Nemo mirabatur in Africano illo, quod in me

a *petita longò tempore* retrorsùm.. b *non imperitissimum.* c *progredi.*

8. *Deorum hominumque judicium.*]—The decisions were from both the gods and men, for though the choice of persons and offices was made by lot, yet the provinces were marked out by the consuls.

13. *Optimis temporibus.*] These no doubt were the heroic times in which fidelity flourished in the Republic, and when no law had as yet been made against extortion.

17. *Marcum Catonem.*] M. Cato impeached S. Galba for plundering the inhabitants of Lusitania. He likewise, at the request of the same people, impeached Pub. Furius for setting an immoderate price upon corn.

19. *Cn. Domitium.*] This Domitius impeached M. Silanus, a man of Consular dignity, on account of the injuries he had done to Egritomarus.

20. *Diem dixisse.*] *Diem dicere* and *accusare* differed in this, that the former was used in reference to impeachments entered by magistrates and persons in public offices, the latter to such as were brought by private men.

31. *Cum Pub. Lentulus.*] The father of Lentulus Sura, who was strangled in prison for having been engaged in the conspiracy of Cataline.

32. *Princeps Senatûs.*] This was usually the oldest member whose name appeared first on the roll, and who had the privilege of giving his opinion first. This M. Aquilius here mentioned, was accused by Lentulus of extortion, and defended by M. Antony, who drew aside his garment, and showed the scars of those wounds which he had received in fighting for the Republic against the slaves in Sicily.

35. *L. Cotta.*] Cotta was impeached by P. Africanus after he had been twice con-

nunc homine parvis opibus, ac facultatibus prædito, simulant sese mirari, cùm molestè ferant. Quid sibi iste vult? accusatorem-ne se existimari, qui anteà defendere consueverat? nunc præsertim, eâ jam ætate, cùm Ædilitatem petat? Ego verò, et ætatis non modò meæ, sed multò etiam superioris, et honoris amplissimi puto esse, et accusare improbos, et miseros calamitososque defendere. Et profectò aut hoc remedium est ægrotæ, ac propè desperatæ reipub. judiciisque corruptis, ac contaminatis paucorum vitio ac turpitudine, homines ad legum defensionem, judiciorumque auctoritatem, quàm honestissimos et integerrimos diligentissimosque accedere: aut si ne hoc quidem prodesse poterit, profectò nulla unqnam medicina his tot incommodis reperietur. Nulla salus reipubl. major est, quàm eos, qui alterum accusant, non minùs de laude, de honore, de famâ suâ, quàm illos, qui accusantur, de capite ac fortunis suis pertimescere. Itaque semper ii diligentissimè, laboriosissimèque accusârunt, qui se ipsos in discrimen existimationis venire arbitrati sint.

PERORATIO.

XVIII. Quamobrem hoc statuere, Judices, debetis, Q. Cæcilium, de quo nulla unquam [a]opinio fuerit, nullaque in hoc ipso judicio [b]exspectatio futura sit, qui neque ut ante [c]collectam famam conservet, neque ut reliqui temporis spem confirmet, laborat, non nimis hanc causam severè, non nimis accuratè, non nimis diligenter acturum. Habet enim nihil, quod in offensione [d]deperdat: ut turpissimè, flagitiosissimèque discedat, nihil de suis veteribus ornamentis requiret. A nobis multos obsides habet populus Rom. quos ut incolumes conservare, tueri, confirmare, ac recuperare possimus, omni ratione erit dimicandum: habet honorem quem petimus; habet spem, quam propositam nobis habemus; habet existimationem multo sudore, labore, vigiliisque collectam; ut, si in hâc causâ nostrum officium, ac diligentiam probaverimus, hæc, quæ dixi, retinere per pop. Rom. incolumia ac salva possimus: si [e]tantulum offensum, titubatumque sit, ut ea, quæ singulatim, ac diu collecta sunt, uno tempore universa perda-

a *existimatio* bona. b *nullatenus.* c *acquisitam.*
d *id amittet.* e *aliquantulum peccatum est.*

sul and censor, but, as Cicero tells us in his oration for Muræna, he was acquitted lest he should appear to have been oppressed by the power of his adversary.

39. *Quid sibi isti vult?*] He exposes the calumnies of wicked persons who professed to be grieved that Verres was to be impeached by Cicero, under a pretended apprehension that honest men should adopt the same practice.

41. *Cùm Ædilatatem.*] The ædile was the second magistrate in the Republic, and it was necessary that a man be 36 years old before he could hold it: this was now Cicero's age.

42. *Honoris amplissimi.*] By this he intends the consulship, which was the highest office in the state.

44. *Ægrotæ.*] The Republic is said to be sick when it abounds with bad citizens; desperate, when it is oppressed by them.

6. *Id offensione.*] He shows that he who departs from his office of prosecutor is not faithful to his trust.

7. *Veteribus ornamentis.*] *Vetera ornamenta* were honours with which any one was loaded, of which Cæcilius had none.

8. *Multos obsides.*] The Romans had many ties on Cicero to bind him to fidelity, he had a wife, children, and friends, and the honour of the *Ædilship*, for which he was a candidate. Whence he says, 'habet honorem quem petimus.'

10. *Habet spem.*] He aspired to the Prætorship and consulship.

11. *Existimationem.*] Reputation which

mus. Quapropter, Judices, vestrûm est diligere, quem existimetis facillimè posse magnitudinem causæ, ac judicii sustinere fide, diligentiâ, consilio, auctoritate. Vos si mihi Q. Cæcilium anteposueritis, ego me dignitate superatum non arbitrabor: populus Romanus ne tàm honestam, tàm severam, diligentemque accusationem, neque vobis placuisse, neque ordini vestro placere arbitretur, providete.

Cicero had gained, and of which Cæcilius was destitute.

13. *Per Pop. Rom.*] The Roman people appointed their magistrates by suffrage.

18. *Vos si.*] He modestly threatens the judges with public indignation if they should prefer Cæcilius to himself.

PRO
LEGE MANILIA.

In the consulship of M. Amilius and L. Volcatius, L. Lucullus, who, in the character of proconsul, had continued almost seven years at the head of the Roman army, in Asia Minor, and had obtained many signal victories over Mithridates, was recalled by a decree of the senate. But, as the war was not yet finished, there was a necessity for sending some other General to supply his place. C. Manilius, a tribune of the people, proposed a law, preferring Pompey to that important commission. This proposal met with great opposition, because, Pompey having already the command of the piratical war, many thought it would be dangerous to intrust so much power to one person. Cicero, however, who entertained a high opinion of Pompey's integrity and honour, was anxious for his appointment, because he considered him better qualified than any other man in the state, for such an office, and accordingly, exerted all his influence in favour of his appointment. He begins with explaining the nature and importance of the Mithridatic war, and says every thing that might serve to animate the people to continue, and pursue it with vigour. The law ultimately passed, though Catullus and Hortensius, two of the most considerable men in Rome, and both consular senators, were among the number of those that opposed it, and Pompey, was accordingly sent against Mithridates, with a more extensive command than had been granted even to Lucullus; Bithinia, and several other provinces being included in his commission. This oration was delivered in the rostrum, being the first time of Cicero's appearance in that place: hitherto he had plead only private causes in the prætors court. It was spoken in the six hundred and eighty seventh year of Rome, and the forty first of Cicero's age, soon after his election to the prtæorship.

EXORDIUM.

1. QUANQUAM mihi semper frequens conspectus vester multò jucundissimus; hic autem locus [a]ad agendum amplissimus, ad dicendum ornatissimus est visus, Quirites! [b]tamen hoc aditu

INTERPRETATIO.

a *Commodissimus ad tractanda negotia, pulcherrimus ad habendas orationes.*

b *Tamen non mea voluntas, sed meum institutum vivendi inceptum ab adolescentiâ impedivit me, quominus aspirarem ad hanc gloriam dicendi apud vos.*

NOTES.

2. *Hic autem locus.*] Cicero here intends the Rostra, which was situated in the forum, and ornamented with the beaks of ships, from which it took its name, Livy, in his 8th book says. *Naves Antiatium partim, in navalia Romæ subducta, partim insensæ; rostrisque earum suggestum in foro extructum adornari placuit, Rostraque id templum appellatum.* This place was set apart for enacting laws, pleading causes, and delivering speeches to the people.

Ib. *Amplissimus.*] Here none were allowed to speak but men of the first rank, and such as held offices of dignity in the state.

3. *Ornatissimus ad dicendum.*] In the Rostra the speaker addressed the people only, and was obliged to study a very different manner of speaking from that used before the judges, and, as the people were to be both pleased and instructed, the oration needed all the eloquence and ornaments of language, that he possessed. But, as the judges were only to be informed, the style must be simple and concise. There is a difference between *agere* and *dicere;* for *dicere* is simply to deliver an oration before the people, *agere*, according to Gellius, is to ask any thing from the people which they can give or prohibit by vote. Festus says 'Agere est populum ad concilium aut comitia vocare.'

Ib. *Quirites.*] This was an appellation given to the Roman people from the Cu-

laudis,qui semper optimo cuique maximè patuit, non mea me voluntas, sed meæ vitæ rationes ab ineunte ætate susceptæ prohibuerunt. Nam, cùm, anteà per ætatem [a] nondum hujus auctoritatem loci contingere auderem; statueremque, nihil huc, nisi perfectum ingenio, elaboratum industriâ afferri oportere, omne meum tempus amicorum temporibus [b] transmittendum putavi. Ita neque hic locus vacuus unquam fuit ab iis qui [c] vestram causam defenderent; et meus labor in privatorum periculis [d] castè integrèque versatus, ex vestro judicio fructum est amplissimum consecutus. Nam cùm propter dilationem comitiorum ter Prætor primus centuriis cunctis [e] renunciatus sum; facilè in

a *nondum auderem accedere ad dignitatem hujus loci propter ætatem juniorem.* b *tribuendum necessitatibus amicorum meorum.* c *tuerenter vestra commoda publica.* d *versatus sine ullo accepto munere, sine ullâ proditione in periculis propulsandis* e *declaratus sum.*

retes, a people from a Sabine city, who emigrated to Rome after a treaty had been made between Romulus and Tatius their king, who had carried on a fierce war against each other. They so regulated the republic that the government was common to Romulus and Tatius, the city was called Rome from Romulus, and the citizens Quirites from the Cures. The Curites took their name from the circumstance, that in war they were mostly armed with spears, and a spear among the Sabines was called *Curis* or *Quiris*.

4. *Optimo cuique.*] It was lawful for every magistrate to ascend some eminence, and from thence harangue the people, but this privilege did not extend to private persons unless they received authority from the magistrate. *Gic. ad Att. Cum subito ille in concionem ascendit, quam Appius ei dedit.*

5. *Prohibuerunt.*] Although Cicero had been Quæstor and Ædile, was 26 years old, and had defended Quinctius in a private, and Amerinus in a public trial; he had not yet spoken in the Rostra, which was ascended only by magistrates, that nothing but that which became the dignity of the place should be spoken.

8. *Temporibus.*] Since he could not on account of his youthfulness, free the republic and his friends from danger, he gave his assistance, for it is common with Cicero to use *tempus* for *periculum*. Thus for *Mil. Bona, fortunas meas, ac liberorum meorum in communionem tuorum temporum contuli.*

11. *Castè integrèque.*] He asserts his integrity in defending causes, for, by the Cinnian law, enacted anno U. C. 550, he was bound to accept no fee for defending.

12. *Propter dilationem.*] The comitia were adjourned from one day to another, either by the *obnunciatio* or *intercessio* of some magistrate. *Obnunciatio* was when a magistrate declared that the signs of the heavens and birds were unpropitious. Thus Cic. to Quintus. *Comitiorum quotidiè singuli dies tolluntur obnunciationibus magnâ voluntate bonorum omnium.* For they believe that a sign being given by Jupiter, it was not lawful to prolong the meeting. *Intercessio* was when they were adjourned by the magistrate, and principally by the tribunes. Thus *Cic. in lib. epist. ad. Att.* 4. writes that the comitia in which Pub. Clodius sought the Prætorship, and Milo the Consulship, were often adjourned.

13. *Ter Prætor.*] The Prætor was a magistrate who administered justice. At first there was only one elected, then two, and in the time of Sylla, eight, and afterwards, ten. Of these Prætors, two attended to the management of private trials, one, the city Prætor, judged between citizens, the other, the foreign Prætor took cognizance of the affairs of state. The remaining eight were criminal judges, and had each his particular province. Two were appointed to decide in cases of murder; one of extortion, one of embezzling the public money, one of corruption, one of fraud, one of treason, and one of violence. Under the emperors, two Cereales were added, who judged in cases of violated contract, the last was the tulelar, whose duty it was to collect the tutors and make them give security for the preservation of the pupils' estate, and to receive the proffered guardianship.

Ib. *Primus.*] There was no difference of dignity between the Prætors, but he who was chosen first, was, on that account, judged to have the preference with the people. Plutarch, in his life of Cicero, tells us that he had to contend with many candidates of the first dignity, and that he was elected to the first honour. Hence in his book, *de claris orationibus*, speaking of himself, he says, *Atque ut multa omittam, in hoc spatio, et in his post Ædilitatem annis, et Prætor primus, et incredibili populari voluntate sum factus.*

tellexi, Quirites, et quid de me judicaretis, [a] et quid aliis præscriberetis. Nunc cum et auctoritatis in me tantum sit, [b] quantum vos honoribus mandandum esse voluistis; et ad agendum facultatis tantum, quantum homini vigilanti ex forensi usu prope quotidiana dicendi exercitatio potuit afferre, certè, et si quid auctoritatis in me est, eâ apud eos utor, qui eam mihi dederunt; et si quid etiam dicendo consequi possum, iis ostendam potissimùm, [c] qui ei quoque rei fructum suo judicio tribuendum esse censuerunt. Atque illud in primis mihi lætandum jure esse video, quòd in hâc insolitâ mihi ex hoc loco ratione dicendi, causa talis oblata est, in quâ oratio nemini deesse potest. Dicendum est enim de Cn. Pompeii singulari eximiâque virtute: hujus autem orationis difficilius est exitum, quàm principium invenire. Itaque non mihi tàm copia, quàm modus in dicendo quærendus est.

NARRATIO.

II. Atque ut inde Oratio mea [d] proficiscatur, unde hæc omnis causa [e] ducitur; bellum grave, et periculosum vestris vectigalibus [f] atque sociis à duobus potentissimis regibus infertur, Mithridate, et Tigrane: quorum alter relictus, alter lacessitus, occasionem sibi ad occupandam Asiam oblatam esse arbitratur. Equitibus Romanis, honestissimis viris, afferuntur ex Asiâ quotidie literæ [g] quorum magnæ

a *et quid desideraretis in aliis.* b *quantum voluistis attribui Præturæ et Ædilitati.* c *qui suo suffragio judicaverunt præmium dandum esse huic etiam eloquentiæ.* d *incipiat.* e *incipit.* f *tributariis.* g *quorum de magnis opibus agitur, quæ collectæ fuerent in colligendis vistris tributis.*

Ib. *Centuriis cunctis.*] At the general assemblies of the centuries, the Consuls, Prætors, sometimes Proconsuls, kings of sacred rites, military tribunes with consular power, and decemvirs to write the laws, were elected. But the Ædiles, tribunes of the people, and other inferior officers were chosen in the comitia of the tribes. The comitia of centuries were those in which the people were divided into centuries of classes, and thus voted.

15. *Honoribus.*] It is common with Roman writers to call public offices *honores* as in this place, so in *Hor. lib.* 1. *od.* 1.

Hunc, si nobilium turba Quiritium.
Certat tergiminis tollere honoribus, &c.

3. *Potentissimis regibus.*] Mithridates and Tigranes, Cicero in his Lucullus says, the former was the most powerful king next to Alexander. He expelled Nicomodes from Bythinia, and Ariobarzanes from Cappadocia. Plutarch calls the latter, king of kings, whose power was so great, that he drove the Parthians from Asia, transplanted the Grecian states into Media, and governed Syria and Palestine.

4. *Alter relictus.*] Mithridates, being defeated in a great battle, would infallibly have been taken had not the soldiers given over the pursuit to collect the treasures which he had scattered along the way, that whilst they were collecting the plunder, he might escape to his son-in-law Tigranes.

Ib. *Alter lacessitus.*] When Tigranes refused to deliver up Mithridates, Lucullus attacked him, took Tigranocerta, the city in which he resided, twice routed his mighty armies, and forced him to fly to the farthest part of Armenia, leaving Mithridates to his fate.

5. *Equitibus Romanis.*] The publicans, who were of the equestrian order, as appears from Cicero's oration for Posthumius. *Curius princeps equestrius ordinis fortissimus et Maximus Publicanus.* They made an agreement with the censors to collect the taxes of the Roman people, for which they received a certain *per cent.* They obligated themselves in a certain sum of money, which the city collector advanced to the Quæstor. They also formed a distinct society, and he who presided was called *Magister Societatis;* he had the power of calling the Senate, to report to them the business of the society; he took care of the records and accounts. which were sent from all parts by those who assisted the society of collectors.

res aguntur, in vestris vectigalibus exercendis occupatæ, qui ad me pro necessitudine, quæ mihi est cum illo Ordine, causam reipublicæ, periculaque rerum suarum detulerunt: Bithyniæ, quæ nunc vestra provincia est, vicos exustos esse complureis: regnum Ariobarzanis, quod finitimum est vestris vectigalibus, totum esse in hostium potestate: Lucullum, magnis rebus gestis, ab eo bello discedere: huic qui [a] succurrerit, non satis esse paratum ad tantum bellum administrandum: unum ab omnibus sociis, et civibus ad id bellum imperatorem deposci, atque expeti, eundem hunc unum ab hostibus metui, [b] præterea neminem.

PROPOSITIO ET DISTRIBUTIO.

III. [c] Causa quæ sit, videtis; nunc quid agendum sit, considerate. Primùm mihi videtur de genere belli; deinde de magnitudine, tùm de imperatore deligendo esse dicendum. Genus est enim ejusmodi, quod maximè vestros animos excitare, atque inflammare debet: in quo agitur populi Romani gloria, quæ vobis à Majoribus cùm magna in rebus omnibus, tum summa in re militari tradita est: [d] agitur salus sociorum, atque amicorum, pro quâ multa Majores vestri magna et gravia bella gesserunt: aguntur certissima populi Romani vectigalia, et maxima; quibus amissis, et pacis ornamenta, et subsidia belli [e] requiretis: aguntur bona multorum civium, quibus est à vobis et ab [f] imperatoribus reipublicæ consulendum.

a *successerit.* b *præter hunc.* c *quæstio ea de quâ debetis ferre suffragium.*
d *agitur de salute.* e *desiderabitis.* f *moderatoribus*

8. *Cum illo ordine.*] Cicero was of the equestrian order, which he had greatly strengthened when consul, by reconciling it to the Senate, and declaring that he rose from that order.

9. *Bithyniæ quæ nunc vestra.*] This is a country of Asia Minor, on the sea coast, opposite Thrace, and joining Troas. Nicomedes was king, and had been driven from it by Mithridates, but restored by Sylla. Dying soon after, he left the Roman people heirs to his kingdom, which was reduced to a province by the republic.

Ib. *Provincia est.*] A province is any country which has been conquered by the force of arms, or in any way brought into the power of another; in this the chief officer of the Roman people governed.

10. *Regnum Ariobarzanis.*] Cappadocia, whence he was thrice expelled by Mithridates, and twice restored by Lucullus, and a third time by Pompey, when he defeated Mithridates and Tigranes.

6. *In re militari.*] The Roman empire flourished in Military glory, from Romulus even to Augustus Cæsar.

8. *Certissima vectigalia.*] There were two kinds of tribute, the one fixed and ordinary, which was exacted yearly from every person. Another uncertain and extraordinary, which was collected occasionally by an express law or decree of the Senate, for the use of the province or empire; this was laid by the censors at Rome.

9. *Pacis ornamenta.*] In his speech in the Senate against Rullus, he calls taxes the subsidies of war, and ornaments of peace.

11. *Imperatoribus reipublicæ.*] Those who governed the Republic, concerning whom he says *in lib.* 2. *de Nat. Deor. Rectores et Moderatores et tanquam architectos tanti operis, tantique muneris vocat.*

CONFIRMATIONIS.

PRIMUM ARGUMENTUM.—Bellum Asiaticum genere suo grave et necessarium esse.

PARS PRIMA ARGUMENTI PRIMI.

Quia agitur gloria populi Rom.

IV. Et quoniam semper appetentes gloriæ præter cæteras genteis atque avidi laudis fuistis, delenda est vobis illa [a] macula, Mithridatico bello superiore [b] suscepta, quæ penitus jam [c] insedit, atque inveteravit in populi Romani nomine: quòd is, qui uno die, totâ Asiâ, tot in civitatibus, uno nuncio, atque unâ literarum significatione cives Roman. necandos trucidandosque denotavit, non modò adhuc pœnam nullam suo dignam scelere [d] suscepit, sed ab illo tempore annum jam tertium et vicesimum regnat; et ita regnat, ut se non Ponto, neque Cappadociæ latebris occultare velit; sed emergere è patrio regno, atque in vestris vectigalibus, hoc est, in Asiæ luce versari. Etenim adhuc ita vestri cum illo rege contenderunt imperatores, ut ab illo [e] insignia victoriæ, non victoriam reportârint. Triumphavit L. Sulla, triumphavit L. Muræna de Mithridate, duo fortissimi viri, et summi imperatores: sed ita triumphârunt, ut ille pulsus superatusque regnaret. Verumtamen illis imperatoribus laus est tribuenda, quod [f] egerunt: venia danda, quod reliquerunt: propterea quod ab eo bello Sullam in Italiam respub. Mauræenam Sulla revocavit. Mithridates autem omne reliquum tempus non ad oblivionem veteris belli, sed ad comparationem novi contulit: qui, posteaquam maximas ædificâsset, [g] ornâssetque classeis, exercitusque permagnos, quibuscumque ex gentibus potuisset, [h] comparâsset, et se Bosphoranis,

a *ignominiæ labes.* b *contracta.* c *adhærescit.* d *dedit.*
e *decora.* f *de eo quod egerunt.* g *instruxisset.* h *collegisset.*

1. *Appetentes gloriæ.*] So great was the thirst for military glory among the Romans, that from the founding of the city until it was burnt by the Gauls, they made campaigns without public pay, but solely for the reward and acquisition of glory.

3. *Bello superiore.*] That war broke out in the consulship of Quintus Pompey, and Lucius Sylla. In the beginning of the war, Mithridates took Q. Oppius the proconsul and cast him into chains. By his command M. Attilius was brought to Pergamus, riding upon an ass, and there had melted gold poured down his throat in a most cruel manner.

4. *Uno die, &c.*] Mithridates sent letters to all the præfects of the cities of Asia, commanding them that, on the thirtieth day after the receipt of the letters, all the Romans and Italians, with their wives and children, should be slain, and their bodies left unburied to the wild beasts. So great was the slaughter, that in one day one hundred and fifty thousand were slain.

7. *Annum jam.*] The Mithridatic war lasted forty years.

12. *Insignia victoriæ.*] A triumph.—Lucullus had a most magnificent one.

17. *Sullam in Italiam.*] When seditions had been excited by Cinna and Marius, and many of the principal men in the republic had been slain, Sylla, making peace with Mithridates, returned to Rome according to the orders of the Senate, to quell these tumults. He left Muræna to settle the other affairs of Asia, but he did not keep the conditions of the peace. For being induced by a desire for a triumph, he undertook at first small, and afterwards more important expeditions against Mithridates. But Sylla thinking it inconsistent with the honour of Roman faith not to keep the articles of treaty, recalled Muræna from Asia.

20. *Quibuscumque ex gentibus.*] Mithridates collected so great an army from all nations, that the Romans supposed they were aimed at, as the king might have come to the conclusion, that if he could excite the surrounding nations against them, he could conquer them.

21. *Bosphoranis.*] The *Bosphorani* were a people inhabiting the Thracian Bosphorus, which is on the east side of Pontus. After the return of Sylla to

a finitimis suis, bellum inferre simulâsset; usque in Hispaniam legatos Ecbatanis misit ad eos duces, quibuscum tum bellum gerebamus: ut, cùm duobus in locus disjunctissimis, maximèque diversis, uno consilio, à binis hostium copiis bellum terrâ marique gereretur, vos ancipiti contentione distracti, de b imperio dimicaretis. Sed tamen alterius partis periculum, Sertorianæ atque Hispaniensis, quæ multò plus firmamenti ac roboris habebat, Cn. Pompeii divino consilio, ac singulari virtute depulsum est; in alterâ parte ita res à L. Lucullo summo viro est administrata, ut initia illa gestarum rerum magna atque præclara, non felicitati ejus, sed virtuti: hæc autem extrema, quæ nuper acciderunt, non culpæ, sed fortunæ tribuenda esse videantur. Sed de Lucullo dicam alio loco, et ita dicam, Quirites! ut neque vera laus ei detracta oratione nostrâ, neque falsa afficta esse videatur. Sed pro vestri imperii dignitate, atque gloriâ, quoniam c is est exorsus orationis meæ, videte quem vobis animum suscipiendum putetis. Majores vestri sæpe mercatoribus, ac naviculatoribus injuriosiùs tractatis, bella gesserunt: vos tot civium Rom. millibus, uno nuncio, atque uno tempore necatis, quo tandem animo esse debetis? Legati quòd erant appelati superbiùs, Corinthum patres vestri, totius Græciæ lumen, extinctum esse voluerunt: vos eum Regem inultum esse patiemini, qui legatum populi Rom. Consularem vinculis ac verberibus, atque omni supplicio excruciatum necavit? Illi libertatem civium Rom. imminutam non tulerunt: vos vitam ereptam negligetis? Jus legationis verbo violatum illi persecuti sunt: vos legatum populi Rom. omni

a *vicinis suis.* b *veniretis in discrimen amittendi imperii.* c *feci inde initium orationis meæ.*

Italy, Mithridates attacked and conquered them, and made his son, Machares, king.

22. *Legatos.*] These were L. Magius and L. Fannius, whom Marius sent to Mithridates.

23. *Ad eos duces.*] He alludes to Sertorius and other leaders, whom Sertorious himself calls a Senate.

24. *In locis disjunctissimis.*) He carried on a war with Mithridates in Asia, and with Sertorius in Spain.

Ib. *Uno consilio.*] The council of Mithridates and Sertorius, who made a league, and thus persuaded themselves that the Republic could not resist the shock of their combined attack.

27. *Sertorianæ atque.*] Sertorius, a partisan of Marius, who, when Sylla returned to Italy, fled with Cinna into Spain, where he gained over many of the Spanish nations to his interest, and defeated many Roman armies. But being proscribed by Sylla, he was betrayed by M. Antony and M. Perpenna, and slain at an entertainment in the year of the city 681.

30. *Initia.*] Lucullus the consul, having engaged with Mithridates, slew above sixty thousand of the enemy.

31. *Extrema.*] Lucullus did not pursue Mithridates, because the soldiers would not obey his orders, for which he was not to blame.

40. *Appellati superbiùs.*] Corinth, one of the principal cities of Greece, situated in the isthmus of Peloponnesus, and very rich and powerful in these times, was destroyed by the Romans in the year of the city 607, under the conduct of Mummius, after the third Punic war, and before the Numantine war. It was called by Leptimus one of the eyes of Greece, Athens was the other. Strabo says, that this was done because the inhabitants had besmeared the Roman ambassadors with filth. But Livy and Asconius say, that they assaulted and violated their character. Cicero says no more than that they treated them in a haughty insolent manner. By this he insinuates how much greater reason they had to be incensed at Mithridates, who had exercised such cruelties upon the person of a Roman ambassador of consular dignity. For the persons of ambassadors were held so sacred, that they carried Vervain, a kind of sacred herb, lest any one should dare to violate their persons.

43. *Legatum populi Rom.*] Manius Attilius, who had been the author of that embassy and this war.

supplicio interfectum, inultum relinquetis? Videte ne, ut illis pulcherrimum fuit tantam vobis imperii gloriam relinquere, sic vobis turpissimum sit, illud quod accepistis, tueri et conservare non posse.

PRIMI ARGUMENTI SECUNDA PARS.

Quia agitur salus sociorum.

V. Quid, quòd salus sociorum summum in periculum ac discrimen vocatur? regno expulsus est Ariobarzanes Rex, socius populi Romani atque amicus: imminent duo Reges toti Asiæ non solùm vobis inimicissimi, sed etiam vestris sociis atque amicis: civitates autem omnes, cuncta Asia, atque Græcia vestrum auxilium exspectare propter periculi magnitudinem coguntur: Imperatorem à vobis certum deposcere, cùm præsertim vos alium miseritis, neque audent, neque se id facere summo sine periculo posse arbitrantur: vident, et sentiunt hoc idem, quod et vos, unum virum esse, in quo summa sint omnia, et eum prope [a] esse (quo [b] etiam carent ægriùs) cujus adventu ipso, atque nomine, tametsi ille ad maritimum bellum venerit, tamen impetus hostium repressos esse intelligunt, ac retardatos. Hi vos, quoniam liberè loqui non licet, tacitè rogant, ut se quoque, sicut cæterarum provinciarum socios dignos existimetis, quorum salutem tali viro commendetis: atque hoc etiam magis quam cæteros, quòd ejusmodi in provinciam homines cum imperio misimus, ut, etiam si ab hoste defendant, tamen ipsorum adventus in urbeis sociorum non multùm ab hostili expugnatione differant. Hunc audiebant antea, nunc præsentem vident, tantâ temperantiâ, tantâ mansuetudine, tantâ humanitate [c] ut ii beatissimi esse videantur, apud quos ille diutissimè commoratur. Quare si propter socios, nullâ ipsi injuriâ lacessiti, Majores vestri cum Antiocho, cum Philippo, cum Ætolis, cum Pœnis

a *non abessè longe.* b *quem magis desiderant cum summâ auctoritate.* c supple *præditum.*

46. *Videte.*] The conclusion of the argument, therefore the war in Asia must be undertaken.

2. *Socius.*] An alliance entered into by the Romans with foreign nations, was so highly esteemed, that many favours were granted to those who deserved well of the Republic. For, as signs of this alliance, they sent a golden crown with a cup, and a curule seat next to the Roman Emperor, with an ivory staff, a painted toga, and a triumphal robe, with a band of knights for a guard.

6. *Imperatorem certum.*] Pompey.

7. *Alium.*] Acilius Glabrio.

Ib. *Neque audent.*] He asserts that Pompey is expected by all to take the command.

11. *Ad maritimum bellum.*] A great number of pirates being scattered over the sea, they had destroyed all commerce. By the Gabinian law Pompey was sent against them, and he, in the space of thirty days, drove them entirely from the sea, without the loss of any of his ships.

13. *Liberè loqui non licet.*] For fear of the Proconsul.

18. *Hostili expugnatione differant.*]—He reproves the avarice of those who had been sent into that province, because they had been more engaged in robbing than defending it.

22. *Cum Antiocho.*] When Antiochus, king of Syria, had made an alliance with the Œtolians, in conjunction with whom he was waging war upon the confederate states of Greece, and particularly on the city Lysimachia, which he demanded; the Romans sent Glabrio against them.

Ib. *Cum Philippo.*] This Philip was king of Macedonia, not indeed the father of Alexander the Great, but another who reigned long after; he drew upon himself the Roman arms by attacking the Athenians, their allies.

Ib. *Cum Pœnis.*] The Carthagenians were engaged in three different wars with the Romans. Cicero here alludes to the second, which was undertaken on account of the Saguntines, the allies of the Romans, whom the Carthagenians had injuriously attacked.

bella gesserunt: quanto vos studio convenit injuriis provocatos, sociorum salutem unà cum imperii vestri dignitate defendere, præsertim cùm de vestris maximis vectigalibus agatur?

TERTIA PARS ARGUMENTI PRIMI.

Quia aguntur vectigalia maxima.

VI. Nam cæterarum provinciarum vectigalia, Quirites! [a] tanta sunt, ut iis, ad ipsas provincias tutandas, vix contenti esse possimus: Asia verò tam opima est et fertilis, ut et ubertate agrorum, et varietate fructuum, et magnitudine pastionis, et multitudine earum rerum quæ exportantur, facilè omnibus terris antecellat. Itaque hæc vobis provincia, Quirites, si ad belli utilitatem, et pacis dignitatem retinere vultis, non modò à calamitate, sed etiam à metu calamitatis est defendenda. Nam cæteris in rebus cum venit calamitas, tum detrimentum accipitur: at in vectigalibus non solùm adventus mali, sed etiam metus ipse affert calamitatem. Nam cùm hostium copiæ non longè absunt, etiamsi irruptio facta nulla sit, tamen pecora relinquuntur, agricultura deseritur, mercatorum navigatio conquiescit. Ita neque ex portu, neque ex decumis, neque ex scripturâ vectigal conservari potest; quare sæpè totius anni fructus uno rumore periculi, atque uno belli terrore amittitur. Quo tandem animo esse existimatis, aut eos qui vectigalia vobis [b] pensitant, aut eos qui exercent atque exigunt, cùm duo Reges cum maximis copiis propè adsint? cùm unâ excursio equitatûs perbrevi tempore totius anni vectigal auferre possit? cùm publicani familias maximas, quas in salinis habent, quas in agris, quas in portubus atque custodiis, magno periculo se habere arbitrentur? Putatis-ne vos illis rebus frui [c] posse, nisi eos, qui vobis fructui sunt, conservaveritis, non solùm (ut antè dixi) calamitate, sed etiam calamitatis formidine liberatos?

QUARTA PARS ARGUMENTI PRIMI.

Quia aguntur fortunæ multorum civium.

VII. Ac ne illud quidem vobis negligendum est, quod mihi ego extremum proposueram, cùm essem de belli genere dicturus, quod ad

a *tam exigua sunt.* b *qui solvunt.* c *fructum capere.*

23. *Quanto vos.*] The conclusion of the second, and transition to the third part of the first argument.

12. *Neque ex portu, neque ex decumis, neque ex scripturâ, &c.*] There were three kinds of tribute from which the Romans received great revenues. The first was the *decumæ* or *decimæ,* exacted from the citizens, and the allies of the Romans both within and out of Italy, who farmed the public lands; they generally consisted of the tenths of the produce of the soil. The second was the *scriptura,* which was paid by those who used the forests and pasture grounds belonging to the republic. This part of the revenue was probably called *scriptura,* because the sum agreed upon with the master of the customs for the said privilege, was registered in a book. The third was the *portoria,* which in general corresponded to our duties upon goods imported and exported.

19. *In salinis habent.*] There is a great dispute amongst the commentators concerning the word *salinis.* For it is certain, as Pliny tells us, *lib.* 31. *cap.* 7, that taxes were laid on the salt pits of Rome by Ancus Martius. But that tax was removed by a decree of the Senate after the expulsion of the kings, which, though it was renewed by Marcus Livius, who on that account was called *Solinator,* yet we no where read of its having been imposed on Asia, or any other province. Besides this, Cicero speaks of three kinds of taxes, but no where of that arising from salt. I am, therefore, inclined to think, that we should read it *salictis,* as willows may belong to the pasture grounds, with which they were frequently planted. All the MSS. have *salictis.* Cajucius defends this reading, *ad l.* 17. *D. de Verb. Signif.* Grævius also retains it.

multorum bona civium Romanorum pertinet: quorum vobis pro vestrâ sapientiâ, Quirites, habenda est ratio diligenter. Nam et publicani, homines et honestissimi et ornatissimi, suas [a] rationes et copias in illam provinciam contulerunt: quorum ipsorum per se res et fortunæ curæ vobis esse debent: etenim si vectigalia nervos esse reipublicæ semper [b] duximus; eum certè ordinem, qui [c] exercet illa, firmamentum cæterorum ordinum rectè esse dicemus. Deinde cæteris ex ordinibus homines [d] gnavi et industrii partim ipsi in Asiâ negotiantur, quibus vos absentibus consulere debetis; partim suas, et suorum in eâ provinciâ pecunias magnas collocatas habent. Erit igitur humanitatis vestræ magnum eorum civium [e] numerum calamitate [f] prohibere; sapientiæ, videre multorum civium calamitatem à [g] republicâ sejunctam esse non posse. Etenim illud primum parvi refert, vos publicanis amissa vectigalia postea victoriâ recuperare; neque enim iisdem redimendi facultas erit propter calamitatem, neque aliis voluntas propter timorem. Deinde quod nos eadem Asia, atque idem iste Mithridates initio belli Asiatici docuit, id quidem certè calamitate docti memoriâ retinere debemus. Nam tum, cúm in Asiâ res magnas permulti amiserunt, scimus Romæ, solutione impeditâ, fidem [h] concidisse. Non enim possunt unâ in civitate multi [i] rem atque fortunas amittere, ut [k] non plureis secum in eandem calamitatem trahant. A quo periculo prohibete rempublicam; et mihi credite, id quod ipisi videtis, hæc fides, atque hæc ratio pecuniarum, quæ Romæ, quæ in foro versatur, implicita est [l] cum illis pecuniis Asiaticis; et cohæret; ruere illa non possunt, ut hæc non eodem labefactata motu concidant. Quare videte, num dubitandum vobis sit omni studio ad id bellum [m] incumbere, in quo gloria nominis vestri, salus sociorum, vectigalia maxima, fortunæ plurimorum civium cum republicâ defenduntur.

SECUNDUM ARGUMENTUM.

Bellum Asiaticum esse magnitudine periculosum.

VIII. Quoniam de genere belli dixi, nunc de magnitudine pauca

a *qui detulerunt fortunas et pecunias.* b *existimavimus.* c *colligit.*
d *diligentes et laboriosi.* e *multitudinem.* f *liberare.* g *à calamitate Reipub.*
h *periisse.* i *divitias.* k *quin.* l *pecuniæ Asiaticæ.* m *applicare totos animos vestros.*

5. *Suas rationes.*] The revenue, which sold for so much, that all the fortunes of the collectors were invested in it, for he does not intend the letters and records of accounts, as these were all at Rome, whither they had been sent to the society of Magistrates.

12. *Collocatas habent.*] Many citizens had their fortunes placed in the hands of trading men, who must necessarily suffer by the losses of these traders. Plutarch in his Lucullus, informs us that there were an infinite number of these factors and collectors, who harassed that province most miserably, and that they were of every order except senators, but principally of the equestrian, of which many were tythe farmers, labourers, masters of customs, and collectors of the pasturage and forest money.

17. *Redimendi facultas.*] The masters of customs were said to purchase the tributes when they advanced a certain sum of mony to the censors, on account of the customs, which they undertook to collect at their own risk, for *redimere* and *conducere* signify the same thing.

19. *Initio belli.*] Twenty years previous, when Mithridates slew so many thousands of the Romans.

21. *Solutione impeditâ.*] As those collectors who were slain in Asia, could not pay their debts, it consequently happened that those at Rome, to whom the money was due, could not settle their accounts, by which means all confidence was destroyed.

dicam. Potest enim hoc dici, belli genus esse ita necessarium, ut sit gerendum: non esse ita magnum, ut sit pertimescendum; in quo maximè laborandum est, ne fortè à vobis quæ diligentissimè providenda sunt, contemnenda esse videantur. Atque, ut omnes intelligant, me L. Lucullo tantum [a] impertiri laudis, quantum, forti viro, sapientissimo homini, et magno Imperatori debeatur; dico ejus adventu maximas Mithridatis copias omnibus rebus ornatas, atque instructas fuisse, urbemque Asiæ clarissimam, nobisque amicissimam, Cyzicenorum, obsessam esse ab ipso Rege maximâ multitudine, et oppugnatam vehementissimè: quam L. Lucullus [b] virtute, [c] assiduitate, consilio, summis obsidionis periculis liberavit: ab eodem Imperatore classem magnam, et ornatam, quæ ducibus Sertorianis ad Italiam [d] studio inflammato raperetur, superatum esse, atque depressam: magnas hostium præterea copias multis præliis esse deletas, patefactumque nostris legionibus esse Pontum, qui antè populo Rom. ex omni aditu clausus esset: Sinopen atque Amisum, quibus in oppidis erant domicilia Regis omnibus rebus ornata atque referta, cæterasque urbeis Ponti et Cappadociæ permultas uno anditu, atque adventu esse captas: Regem spoliatum regno patrio atque avito, ad alios se Reges, atque alias gentes supplicem contulisse: atque hæc omnia, salvis populi Romani sociis, atque integris vectigalibus, esse

a *tribuere.* b *magnitudine animi.* c *perseverantiâ.* d *odio maximo.*

8. *Maximas Mithridatis copias.*] Plutarch says, that he had in his army one hundred and twenty thousand foot, and sixteen thousand horsemen.

10. *Cyzicenorum.*] Cizicum was beseiged both by sea and land by Mithridates with various machines of war, particularly a wooden tower one hundred cubits high, but his provisions being cut off he was obliged to raise the siege.

13. *Classem magnum.*] Some say, that he had a fleet of forty, and others of fifty ships, which Lucullus defeated at Lemnos. Appian says, that it was commanded by Varus the lieutenant of Sertorius. But Plutarch says, that Marius commanded in conjunction with Alexander Paphlagonius and Dionysius Eunuchus, whom Mithridates had associated with himself in the command.

15. *Multis præliis esse deletas.*] In the battle at the river Rhydacus, many of the enemy being slain, six knights and fifteen thousand private soldiers were taken; in another battle at the river Granicus many were taken and twenty thousand slain, and in a third, which was fought at sea, many Barbarians were slain and taken, among the latter was Marius, who was afterwards put to death.

17. *Sinopen.*] Sinope was a city upon the Euxine sea, which at first stood out against the Romans, but being reduced to great extremities, the citizens set fire to their large ships, and took to flight in their gallies. But Lucullus having at last taken the city, restored it to its former liberty, because during the seige he fancied that Antigonus appeared to him in a dream, who having formerly accompanied Hercules in his expedition against the Amazons, chose this city for himself.

Ib. *Amisum.*] Amisus was a town in the confines of Paphlagonia and Cappadocia, about 130 miles from Sinope. Lucullus, having taken the latter, advanced against the former, which he soon took, as it was forsaken by its inhabitants; he however permitted them to return and live according to their own laws, because it had formerly been an Athenian colony.

19. *Cappadociæ.*] Mithridates, having driven out Nicomedes, seized Cappadocia.

20. *Regno patrio atque avito.*] Mithridates the first, sprung from the royal blood of the Persians; he was condemned to death by Antigonus king of Syria, from whom he fled and came into Cappadocia, where he fortified a place for himself. A great number of persons flocking to his standard, he took Cappadocia and the surrounding countries, and left a large empire to his children, who retained it down to the present Mithridates, who was the sixth.

Ib. *Ad alios Reges.*] He fled to Tigrane, his son-in-law, and after he was defeated, to the king of the Parthians.

22. *Salvis pop. Rom.*] Plutarch informs us, that Lucullus had carried on the war with the money which had been brought to him by many kings and people, without drawing upon the public treasury.

gesta. Satis opinor hoç esse laudis, atque ita reputo, ut hoc vos intelligatis, à nullo istorum, qui huic obtrectant legi atque causæ, L. Lucullum similiter ex hoc loco esse laudatum. Requiretur fortasse nunc, quemadmodum, cùm hæc ita sint, reliquum possit esse magnum bellum; cognoscite, Quirites: non enim sine causâ quæri videtur. Primùm ex suo regno sic Mithridates profugit, ut ex eodem Ponto Medea illa quondam profugisse dicitur: quam prædicant in fugâ fratris sui membra in iis locis, [a] quâ se parens persequeretur, dissipavisse, ut eorum collectio dispersa, mœrorque patrius celeritatem persequendi retardaret; sic Mithridates fugiens maximam vim auri atque argenti, pulcherrimarumque rerum omnium, quas à Majoribus acceperat, et ipse bello superiore ex totâ Asiâ direptas in suum regnum congesserat, in Ponto omnem reliquit; hæc dum nostri colligunt omnia diligentiùs, Rex ipse è manibus effugit; ita illum in persequendi studio mœror, hos lætitia retardavit. Hunc in illo timore et fugâ Tigranes rex Armenius excepit; diffidentemque rebus suis confirmavit, afflictum erexit, perditumque recreavit; cujus in regnum posteaquam L. Lucullus cum exercitu venit, plures etiam gentes contra imperatorem nostrum concitatæ sunt. Erat enim metus injectus iis nationibus, quas nunquam populus Romanus neque lacessendas bello, neque tentandas putavit. Erat etiam alia gravis, atque vehemens opinio, quæ per animos gentium barbararum pervaserat, fani locupletissimi et religiosissimi diripiendi causâ, in eas oras nostrum exercitum esse adductum. Ita nationes multæ, atque magnæ novo quodam terrore, ac metu concitabantur. Noster autem exercitus, etsi urbem ex Tigranis regno ceperat, et præliis usus erat secundis, tamen nimiâ longinquitate locorum, ac desiderio suorum commovebatur. Hîc jam plura non dicam Fuit enim illud extremum, ut ex iis locis à militibus nostris reditus magis maturus, quàm processio longior quæreretur. Mithridates autem et suam manum jam confirmârat, et eorum, qui se

a *per quæ loca.*

24. *Qui obtrectant.*] He glances at Q Hortensius and Q. Catulus who opposed this law, which Manilius proposed in order to send Pompey.

29. *Medea illa.*] Medea, flying from her Father Œetes, king of the Colchians, whom she had betrayed, by assisting Jason to obtain the golden fleece, in order to avoid his pursuit, cut her brother Absertus, the companion of her flight, in pieces, and strewed his limbs along the way. Whilst her father was engaged in collecting the mangled limbs of his son, she made her escape.

32. *Sic Mithridates.*] Thus Mithridates retarded Lucullus, by casting treasures along the way, to be collected by the soldiers after the battle at Cyzicum.

44. *Fani locupletissimi.*] The temple at Cumanus, which Muræna had plundered, at the instigation of a certain Archelaus, who had deserted from Mithridates.

47. *Urbem.*] Tigranocerta, the capital of Armenia, which Tigranes built and called after his own name. The walls were fifty cubits high, and in it all the great men of the kingdom, to testify their regard for their prince, dwelt. Plutarch says, that besides other riches, Lucullus found here eight thousand talents. At this city, Lucullus defeated the forces of Tigranes and Mithridates, consisting of two hundred and fifty thousand foot, and fifty thousand horsemen. After this defeat, these kings collected another army of seventy thousand foot, and thirty-five thousand horsemen, which was also routed by Lucullus, upon which Tigranes fled to Armenia, and Mithridates to Pontus.

47. *Longinquitate.*] He endeavoured to conceal the baseness of Lucullus, who gave up the pursuit, and to excuse this action, on account of the distance or rather the sedition of the soldiers, for the Valerian legions refused to obey, because they had finished their campaign. Plutarch says, that the soldiers being offended at the pride and avarice of Lucullus, were solicited to revolt by Pub. Colodius.

ex ejus regno [b]collegerant, et magnis adventitiis multorum regum et nationum copiis juvabatur. Hoc jam ferè sic fieri solere accepimus, ut regum afflictæ fortunæ facilè multorum opes alliciant ad misericordiam, maximèque eorum, qui aut reges sunt, aut vivunt in regno; quod regale iis nomen magnum et sanctum esse videatur. Itaque tantum victus efficere potuit, quantum incolumis nunquam est ausus optare. Nam cùm se in regnum recepisset suum, non fuit eo contentus, quod ei præter spem acciderat, ut eam, posteaquam pulsus erat, terram unquam attingeret: sed in exercitum vestrum clarum atque victorem impetum fecit. Sinite hoc loco, Quirites, (sicut poëtæ solent, qui res Romanas scribunt,) præterire me nostram calamitatem: quæ tanta fuit, ut eam ad aures L. Luculli non ex prælio nuncius, sed ex sermone rumor afferret. Hic in ipso illo malo, gravissimâque belli offensione L. Lucullus, qui tamen aliquâ ex parte iis incommodis mederi fortasse potuisset, vestro jussu coactus, quod imperii diuturnitati modum statuendum, veteri exemplo putavistis, partem militum, qui jam stipendiis confecti erant, dimisit, partem Glabrioni tradidit. Multa prætereo consulto: sed ea vos conjecturâ perspicite, quantum illud bellum futurum putetis, quod conjungant reges potentissimi, renovent agitatæ nationes, suscipiant integræ gentes, novus imperator vester accipiat, vetere [b]expulso exercitu. Satis mihi multa verba fecisse videor, quare hoc bellum esset genere ipso necessarium, magnitudine periculosum. Restat ut de imperatore ad illud bellum deligendo, ac tantis rebus præficiendo, dicendum esse videatur.

a *congregaverant.* b *dimisso.*

53. *Adventitiis.*] Mithridates collected a new army in Pontus.

61. *In exercitum vestrum.*] Mithridates, when he returned to Pontus, conquered Fabius, whom Lucullus had left there. After which, in consequence of the rashness of Triarius the lieutenant, more than seven thousand of the Romans, a hundred centurions, and twenty-four tribunes of the soldiers were slain.

62. *Sinite.*] He here pretends that he cannot tell what had happened, by which he designs to make the calamity appear worse than it really was, for he says that it was not a messenger from the battle, but public rumour, that informed Lucullus of it.

64. *Ex prælio nuncius.*] This is to be limited, for Triarius did escape from battle with a few soldiers, but it was the greatest slaughter which the Romans suffered during the war.

67. *Vestro jussu.*] The people commanded, and the Senate resolved, for the highest authority was not in the Senate, but in the people, whence this formula, *velitis, jubeatis, Quirites.* The people gave and deprived of authority, made and abrogated laws, declared war and made peace.

68. *Diuturnitati imperii.*] Lucullus being appointed over Asia, undertook to carry on the war which continued seven years.

Ib. *Veteri exemplo.*] After the expulsion of the kings, the consuls were elected every year, however, they were sometimes continued in office three or more years; according as occasion required. Whence Livy lib. 4. *Maximam libertatis pop. Rom. custodiam esse, si magna imperia diuturna non essent, et temporis modus imponeretur, quibus juris imponi non posset.*

69. *Stipendiis.*] The ancients supposed that they had finished their term of military service when they had spent nine years in the army, but they were bound to perform military service from the age of sixteen to forty-five.

Ib. *Dimisit.*] Lucullus dismissed the Valerians who refused to follow him. They were called Fimbrians, because Fimbria, the lieutenant, was made their commander; Valerius, who had rendered himself odious by his avarice, was slain by them.

Ib. *Glabrioni tradidit.*] Glabrio succeeded Lucullus, at the command of the people, in the government of Bythinia, which had been reduced to a province.

70. *Multa prætereo.*] He concludes this part by a repetition of those things which render this war important and dangerous.

72. *Novus imperator.*] The danger was increased by the appointment of a new

TERTIUM ARGUMENTUM.

Cneius Pompeius est bonus Imperator, quia in eo sunt quatuor virtutes, quæ bonum Imperatorem commendant: scientia rei militaris, virtus, auctoritas, felicitas.

PRIMA PARS.

IX. Utinam, Quirites, virorum fortium, atque innocentium copiam tantam haberetis, ut hæc vobis deliberatio difficilis esset, quemnam potissimùm tantis rebus ac tanto bello præficiendum putetis. Nunc verò cùm sit unus Cn. Pompeius qui non modò eorum hominum, qui nunc sunt, gloriam, sed etiam antiquitatis memoriam virtute superârit; quæ res est, quæ cujusquam animum in hac causâ dubium [a] facere possit? Ego enim sic existimo, in summo imperatore quatuor has res inesse oportere, scientiam rei militaris, virtutem, auctoritatem, felicitatem. Quis igitur hoc homine scientior unquam aut fuit, aut esse debuit? qui è [b] ludo atque pueritiæ disciplinâ, bello maximo, atque acerrimis hostibus, ad patris exercitum, atque in militiæ disciplinam profectus est: qui [c] extremâ pueritiâ miles fuit summi imperatoris, ineunte adolescentiâ maximi ipse exercitûs imperator: qui sæpiùs cum hoste conflixit, quàm quisquam cum inimico concertavit; plura bella gessit, quàm cæteri legerunt; plureis [d] provincias confecit, quàm alii concupiverunt: cujus adolescentia ad scientiam rei militaris non alienis præceptis, sed suis imperiis; non [e] offensionibus belli, sed victoriis; non [f] stipendiis, sed triumphis est traducta. Quod denique genus belli esse potest, in quo illum non exercuerit fortuna rei-

a *reddere.* b *schola.* c *extremâ parte pueritiæ.*
d *subjugavit plures nationes.* e *jacturis.* f *non annis quas posuit in bello.*

commander, who was to receive a new army, as the old one, which was far more prompt in obedience, and more brave in action, was to be taken away.

10. *E ludo.*] By *ludum* he intends the schools which the Romans called by this common name, and *ludi magistri* were the teachers. Pompey had gone immediately from the schools to the forum. Cicero speaks of his eloquence *in lib. de Claris Orat.*

11. *Ad patris exercitum.*] Cn. Pompey Strabo, the father of Pompey the great, led an army against Cinna when he rebelled against his country, and was followed by his son, then only 17 years old. But he, with many others, perished by lightning when he attempted to drive Cinna from the walls.

12. *Extremâ pueritiâ.*] Gellius says *lib.* 10, that the life of man was divided into three parts by Servius Tullius, king of the Romans. So that a person was a boy until he was 17, a young man until he was 45 years old, after which, he was considered an old man; in the first of these Pompey was a soldier under Sylla.

13. *Maximi exercitûs.*] When Cinna the consul, who excited a civil war, was slain, Carbo, his colleague, marched against Sylla, who had returned with a victorious army from Asia. Pompey as yet a private man, and scarcely 23 years old, levied three legions in Picenum, and being joined by all the nobility, brought a flourishing army to Sylla. In his journey he secured the friendship of many Italian states, and brought over to his party many who had followed the enemies of Scipio and Garbo, whom he challenged to fight. When Pompey came to Sylla he leaped off his horse and saluted him imperator, and he in his turn was saluted imperator by Sylla, who immediately sent him into Celtiberia with an army.

13. *Qui sæpius, &c.*] They only were properly called *hostes* against whom war had been declared by the herald at arms, but *inimici* were those with whom persons had private quarrels. He uses these words in an elegant hyperbole to extol the praises of Pompey.

17. *Suis imperiis.*] No one had commanded oftener than Pompey, who had thus obtained military knowledge, not so much by rules and reading, as by practice.

18. *Triumphis.*] V. Paterculus says, that Pompey triumphed three times on his return from Africa, Europe, and Asia.

publicæ? Civile, Africanum, Transalpinum, Hispaniense, mistum ex civitatibus atque ex bellicosissimis nationibus servile, navale bellum, varia et diversa genera et bellorum, et hostium, non solùm gesta ab hoc uno, sed etiam confecta, nullam rem esse declarant in usu militari positam, quæ hujus viri scientiam [a] fugere possit.

SECUNDA PARS.

In quâ probatur Pomp. virtus militaris.

X. Jam vero virtuti Cn. Pompeii quæ potest par oratio inveniri? quid est, quod quisquam aut illo dignum, aut vobis novum, aut cuiquam inauditum possit afferre? Non enim illæ sunt solæ virtutes imperatoriæ, quæ vulgo existimantur, labor in negotiis, fortitudo in periculis, [b] industria in agendo, celeritas in conficiendo, consilium in providendo: quæ tanta sunt in hoc uno, quanta in omnibus reliquis imperatoribus, quos aut vidimus, aut audivimus, non fuerunt. Testis est Italia, quam ille ipse victor L. Sulla hujus virtute et consilio confessus est liberatam: testis est Sicilia, quam multis undique cinctam periculis, non terrore belli, sed celeritate consilii [c] explicavit: testis est Africa, quæ magnis oppressa hostium copiis, eorum ipsorum sanguine redundavit: testis est Gallia, per quam legionibus nostris in Hispaniam iter, Gallorum internecione, patefactum est: testis est Hispania, quæ sæpissimè plurimos hosteis ab hoc superatos prostratosque conspexit: testis est iterum et sæpiùs Italia, quæ, cùm servili bello tetro periculosoque premeretur, ab hoc auxilium absente expetivit: quod bellum exspectatione Pompeii attenuatum atque imminutum est, adventu sublatum ac sepultum; testes vero jam omnes oræ, atque om-

a *quæ possit ignorari ab hoc viro.* b *perseverantia, vel assiduitas.* c *liberavit.*

20. *Civile.*] The war which was carried on in the republic with Cinna and Carbo.

Ib. *Africanum.*] The African war was carried on against Cn. Domitius, whom most of the proscribed followed out of Italy, and Hierca king of Numidia. He finished this war in 40 days, and returned to Rome, where he was saluted Magnus by Sylla.

Ib. *Transalpinam.*] Against the Gauls.

Ib. *Hispaniense.*] In which he conquered Sertorius, who had carried on war with the republic for eight years.

Ib. *Mistum*] Whilst the war was carried on in Asia, a civil flame arose from the gladiators, servants and prisoners, who, to the number of sixty thousand, headed by Spartacus, Chrysus, and Granicus, made Mount Vesuvius the seat of the war. They defeated Claudius Pulchrus the lieutenant, and P. Vatinius the prætor, but were at last conquered by M. Crassus, who slew twelve thousand and three hnndred of them. Pompey also slew three thousand who had escaped from the battle. The war with the Gauls and Germans was also called mixed, because many fugitives had joined their army which was commanded by Granicus. Livy lib. 97.

21. *Navale.*] The naval war with the pirates.

22. *Et hostium.*] He carried on war with kings, with exiles, with proscribed persons, with pirates, and slaves.

7. *Testis est Italia.*] Italy had seen him voluntarily raise an army to support the cause of Sylla and the republic.

9. *Testis est Sicilia.*] As soon as Pompey, by order of the Senate, had come into Sicily, it was freed from the devastations of Perpenna and Carbo, who, when they left Italy, took possession of Sicily.

10. *Testis est Africa.*] Africa had seen him victorious over Cn. Domitius, and Harbas king of Numidia.

12. *Testis est Gallia.*] He had cut the Gauls to pieces for opposing his march into Spain, and opened a way in the Alps, between the heads of the Po and Rhone. Whence Lucullus says, lib. 8.

Adde truces Lepidi motus, Alpinaque bella,
Armaque Sertorii revocato consule victa.

13. *Testis est Hispania.*] Spain, which contained the most warlike nations, commanded by able generals, was unable to resist his arms.

18. *Testis omnes oræ.*] All the nations

nes exteræ gentes ac nationes: denique maria omnia, tum universa, tum in singulis oris omnes sinus, atque portus. Quis enim toto mari locus per hos annos, aut tam firmum habuit præsidium, ut tutus esset? aut tam fuit abditus, ut lateret? quis navigavit, qui non se, aut mortis, aut servitutis periculo [a] committeret? cùm aut hieme, aut referto prædonum mari navigaretur. Hoc tantum bellum, tam turpe, tam vetus, tam latè divisum, atque dispersum, quis unquam arbitraretur aut ab omnibus imperatoribus uno anno, aut omnibus annis ab uno imperatore confici posse? Quam provinciam tenuistis à prædonibus liberam per hosce annos? quod vectigal vobis tutum fuit? quem socium defendistis? cui præsidio classibus vestris fuistis? quàm multas existimatis insulas esse desertas? quàm multas aut metu relictas, aut à prædonibus captas urbeis esse sociorum? Sed quid ego longinqua commemoro? fuit hoc quondam, fuit proprium populi Romani, longè à domo bellare, et [b] propugnaculis imperii sociorum fortunas, non sua tecta defendere. Sociis vestris ego mare clausum per hosce annos dicam fuisse, cùm exercitus nostri Brundusio nunquam, nisi summâ hieme, [c] transmiserint? Qui ad vos ab exteris nationibus venirent, captos querar, cum legati populi Romani redempti sint? mercatoribus tutum mare non fuisse dicam, cum duodecim [d] secures in prædonum potestatem pervenerint? Quid aut Colophonem aut Samum nobilissimas urbeis, innumerabilesque alias captas esse commemorem, cùm vestros portus atque, eos portus, [e] quibus vitam et spiritum ducitis, in prædonum fuisse potèstate sciatis? An vero ignoratis, portum Caietæ celeberrimum, atque plenissimum navium, inspectante Prætore, à prædonibus esse direptum? Ex Miseno autem, ejus ipsius

a *exponeret.* b *viribus.* c *transierint mare.* d *duo Prætores cum insignibus suis.* e *eas res quibus vita et spiritus continetur.*

of Africa, all the maritime states along the coast of the Mediterranean, all the seas, gulfs, and havens, which had of late swarmed with pirates, were witnesses of his renown, and ready to bear testimony to his victories by sea and by land.

24. *Hoc tantum bellum, &c.*] The whole Mediterranean coast had been laid waste by the war, which he calls base, because it had been undertaken to remove the disgrace of Roman people, ancient because it lasted 23 years, from the consulship of Octavius and Cinna, to that of Lepidus and Tully.

31. *Captas urbeis.*] Plutarch counts forty.

35. *Brundusio.*] Brundusium was a noble city of Italy, situated on the Calabrian bay, whence is a direct passage to Greece, and whence Pompey sailed against the pirates.

38. *Duodecim secures.*] He here puts the twelve axes, or ensigns of dignity, for the Prætors themselves. The Prætors had two axes carried before them in the city, and six in their provinces. Hence we learn from the number twelve, here mentioned, that two Prætors were made prisoners on this occasion. These were Sextilius and Bilinus, who, as Plutarch informs us, were seized, together with their badges and lictors, by the pirates.

39. *Colophonem.*] A city of Ionia, much celebrated for its horses.

Ib. *Aut Samum.*] A city of the same province.

41. *Vitam.*] No corn had been brought to Rome from Asia, Africa, Sicily, or Sardinia, nor any of the other necessaries of life.

43. *Caietæ.*] Caieta is a harbour in Campania, so called from the nurse of Æneas, who was buried there. *Virg.* 7. *Æneid.*

Tu quoque littoribus nostris, Æneia nutrix
Æternam moriens famam Caietæ dedisti.

Ib. *Inspectante Prætore.*] It does not appear who that Prætor was, unless it was M. Antony, who had been sent to this war before Pompey, and had managed affairs so badly, that he perished in it.

44. *Miseno.*] Misenum is a promontory of Italy, so called from Misenas, a companion of Æneas. *Virg. Æneid.*

liberos, qui cum prædonibus antea ibi bellum gesserat, à prædonibus esse sublatos? Nam quid ego Ostiense [a] incommodum, atque illam labem, atque ignominiam reipublicæ querar, cùm propè inspectantibus vobis, classis ea, cui Consul populi Romani præpositus esset, à prædonibus capta, atque oppressa est? Pro dii immortales! tantamne unius hominis incredibilis, ac divina virtus tam brevi tempore lucem afferre reipublicæ potuit, ut vos, qui modò ante [b] ostium Tiberinum classem hostium videbatis, ii nunc nullam intra Oceani ostium prædonum navem esse audiatis? Atque hæc quà celeritate gesta sint quanquam videtis, tamen à me in dicendo prætereunda non sunt. Quis enim unquam, aut obeundi negotii, aut consequendi quæstûs studio, tam brevi tempore tot loca adire, tantos [c] cursus conficere potuit, quàm celeriter, Cn. Pompeio duce, belli [d] impetus navigavit? qui, nondum tempestivo ad navigandum mari, Siciliam adiit, Africam exploravit, inde Sardiniam cum classe venit: atque hæc tria frumentaria subsidia reipublicæ firmissimis præsidiis classibusque munivit. Inde se cùm in Italiam recepisset, duabus Hispaniis, et Gallia Cisalpina præsidiis ac navibus confirmata, missis item in oram Illyrici maris et in Achaiam, omnemque Græciam navibus, Italiæ duo maria maximis classibus, firmissimisque præsidiis adornavit: ipse autem, ut à Brundusio profectus est, unde quinquagesimo die totam ad imperium populi Romani Ciliciam adjunxit: omnes qui ubique prædones fuerunt, partim capti interfectique sunt, partim unius hujus imperio ac potestati se dediderunt. Idem Cretensibus, cùm ad eum usque in

a *direptionem.* b *ante portum Ostiæ, qui est in ostio Tibris.*
c *navigationes.* d *classis Pompeii.*

46. *Ostiense incommodum.*] Ostia was a city built by king Ancus Martius, at the mouth of the Tiber. So great was the boldness of the pirates, that they came to this city, and burned and plundered the Roman ships; and, as if they did not intend returning, they remained there with all the booty, and the prisoners that had escaped death, as in a city belonging to themselves.

48. *Consul pop. Rom.*] Nothing is known of this consul, not even his name.

52. *Intra oceani ostium.*] He calls that the mouth of the ocean by which it flows into the Mediterranean. The straits of Gibraltar.

58. *Siciliam adiit, &c.*] These free booters chiefly infested Sicily, and prevented the corn from being brought to Rome.

61. *Inde se cùm in Italiam recepisset.*] The command being given to Pompey, he had nothing to do but assign each of his lieutenants the stations that they were to defend.

Ib. *Duabis Hispaniis.*] One part of Spain lay on this side, and the other beyond the Ebro. He set Tiberius Nero and Manilius Torquatus over the Spanish sea.

Ib. *Gallia Cisalpina.*] Cisalpine Gaul is that part of Italy which extends from the Alps to the river Rubicon; it was so called from those Gauls, who, passing the Alps, seized and held it in possession. It was called by the Romans, from its situation, Cisalpina; the other, whence they came, Transalpina. He set M. Pomponius over the Gallic sea.

62. *Illyrici maris.*] Thus called from Illyricum, a part of Europe between Pannonia and the Adriatic sea. He set L. Gellius and Cn. Lentulus over this and the Tuscan seas.

63. *Omnemque Græciam.*] He set Cinna, L. Gellius, and Piso over the different coasts of Greece.

Ib. *Italiæ duo maria.*] The Adriatic and Tuscan seas.

64. *Ipse autem ut à Brundusio.*] He sailed with sixty ships, and, following the pirates, forced them to return to Cilicia, but he commanded all his lieutenants to keep to their posts, and assist each other with mutual aids, that he might surround them.

68. *Item Cretensibus.*] Crete, as well as Cilicia, was a receptacle of pirates, whom Metullus besieged, and of whom he slew many.

Pamphyliam legatos [a] deprecatoresque misissent, spem deditionis non ademit, obsidesque [b] imperavit. Ita tantum bellum, tam diuturnum, tam longè latèque dispersum, quo bello omnes gentes ac nationes premebantur, Cn. Pompeius extremâ hieme [c] apparavit, ineunte vere suscepit, mediâ æstate confecit. Est hæc divina atque incredibilis virtus Imperatoris. Quid cæteræ, quas paulo ante commemorare cœperam, quantæ atque quàm multæ sunt? non enim solùm bellandi virtus in summo atque perfecto Imperatore quærenda est: sed multæ sunt [d] artes eximiæ, hujus administræ, comitesque virtutis. Ac primùm quantâ innocentiâ debent esse Imperatores? quantâ deinde omnibus in rebus temperantiâ? quantâ fide? quantâ facilitate? quanto ingenio? quantâ humanitate? Quæ breviter, qualia sint in Cn. Pompeio consideremus? summa enim omnia sunt, Quirites! sed ea magis ex aliorum [e] contentione, quàm ipsa per sese cognosci, atque intelligi possunt. Quem enim possumus Imperatorem aliquo [f] in numero putare, cujus in exercitu [g] veneant centuriatus, atque venierint? quid hunc hominem magnum aut amplum de republicâ cogitare, qui pecuniam ex ærario depromptam ad bellum [h] administrandum, aut propter cupiditatem provinciæ Magistratibus diviserit, aut propter avaritiam Romæ in quæstu reliquerit? Vestra admurmuratio facit, Quirites, ut agnoscere videamini, qui hæc fecerint. Ego autem neminem nomino; quare irasci mihi nemo poterit, nisi qui antè de se voluerit confiteri. Itaque propter hanc avaritiam Imperatorum quantas calamitates, quò cumque ventum sit, nostri exercitus [i] ferant, quis ignorat? Itinera, quæ per hosce annos in Italia, per agros atque oppi-

a *intercessores.* b *imperavit ut darent obsides.* c *proparavit.* d *virtutes quæ sunt famulæ et comites hujus virtutis militaris.* e *comparatione.* f *numerare in aliquo ordine Imperatorum.* g *vendantur.* h *gerendum.* i *afferant.*

69. *Legatos deprecatoresque.*] The Cretans, dreading least if Metullus made himself master of the island, he would put the inhabitants to the sword, sent ambassadors to Pompey, with a proffer of surrendering themselves to him, from whom they expected a milder fate. Pompey, willing to deprive Metellus of the glory of conquering Crete, sent Octavius one of his lieutenants, with orders that he should withdraw from the island. Octavius, even went so far as to aid the Cretans against Metullus, whom, nevertheless, he forced to submit, and punished with great severity. Which action, though it was base in Pompey, yet Cicero converts it to his praise.

72. *Ineunte vere.*] This war was prepared for, undertaken, and finished, in four months.

74. *Quid cæteræ.*] A famous amplification, by which he extols the divine excellence, and military valour of Pompey, having enumerated others, by which this first is principally illustrated.

79. *Facilitate.*] Not *felicitate*, as is read in many copies, for he afterwards, speaks of his felicity, besides this mildness is attributed to the humanity of the commander.

84. *Centuriatus.*] He here blames the avarice of the generals, who sold the centurionship, instead of giving it to the soldiers as a reward of valour.

86. *Ex ærario depromptam.*] The money which was paid out of the public treasury, to the Generals, was commonly called, as Varro informs us, *attributa*, or the soldiers' pay.

87. *Propter cupiditatem provinciæ.*] The Senate marked out what provinces were to be governed by Consuls, and what by Prætors, these were afterwards distributed by lot or disposed of by the Senate, or some one of the tribunes of the people, which they were bribed to grant, that they might satisfy the avarice of the Consuls and Prætors.

88. *Admurmuratio.*] It was a custom among the people, when any thing was said which pleased them, for one to whisper to another *bene dictum*, which was called *admurmuratio*.

93. *Per hosce annos.*] The times in which armies were led against Mithridates, the pirates, Sertorius, and Spartacus.

da civium Romanorum nostri Imperatores fecerunt, recordamini: tum faciliùs statuetis, quid apud exteras nationes fieri existmetis; utrùm plures arbitramini per hosce annos militum vestrorum armis hostium urbeis, an hibernis sociorum civitates esse deletas? neque enim potest exercitum is continere Imperator, qui se ipsum non continet: neque severus esse in judicando, qui alios in se severos esse judices non vult. Hîc miramur, hunc hominem tantum excellere cæteris, cujus legiones sic in Asiam pervenerunt, ut non modò manus tanti exercitûs, sed ne vestigium quidem cuiquam pacato nocuisse dicatur? Jam verò quemadmodum milites hibernent, quotidiè sermones ac literæ perferuntur; non modò ut sumptum faciat in militem, nemini vis affertur; sed ne cupienti quidem cuiquam permittitur; hiemis enim non avaritiæ perfugium Majores nostri in sociorum atque amicorum tectis esse voluerunt. Age verò, cæteris in rebus qualis sit temperantia, considerate; unde illam tantam celeritatem, et tam incredibilem cursum initum putatis? non enim illum eximia vis remigum, aut ars inaudita quædam gubernandi, aut venti aliqui novi tam celeriter in ultimas terras pertulerunt; sed hæ res, quæ cæteros remorari solent, non retardârunt: non avaritia ab instituto cursu ad prædam aliquam revocavit, non libido ad voluptatem, non amœnitas ad delectationem, non nobilitas urbis ad cognitionem, non denique labor ipse ad quietem: postremò signa et tabulas, cæteraque ornamenta Græcorum oppidorum, quæ cæteri [a] tollenda esse arbitrantur, ea sibi ille ne visenda quidem existimavit. Itaque omnes quidem nunc in his locis Cn. Pompeium, sicut aliquem non ex hac urbe missum, sed de cœlo delapsum intuentur: nunc denique incipiunt credere, fuisse homines Romanos hâc quondam abstinentiâ; quod jam nationibus exteris incredibile, ac falsò memoriæ proditum videbatur; nunc imperii nostri splendor illis gentibus lucet: nunc intelligunt, non sine causâ Majores suos tum, cùm hâc temperantiâ Magistratus habebamus, servire populo Roma-

a *auferenda.*

101. *Manus tanti exercitûs.*] When Pompey's legions came into Asia, they plundered nothing by the way, and did not do the least injury to any one, except those that were hostile to them.

104. *Ut sumptum faciat.*] He laid no person under contribution to support his soldiers, and did not even permit the Asiatics, offering of their own accord, to be at this expense.

106. *Majores nostri.*] They declared that the allies should not bear the expense of their winter quarters. And as innocence and valour are connected, it may be easily seen how great was the innocence of Pompey, who had not only, never injured any one by his avarice, but did not permit it to be done by any of his men, even in the slightest degree.

111. *Remorari solent.*] Avarice had retarded Lucullus in the pursuit of Mithridates.

112. *Non libido.*] Plutarch declares, that Pompey was so chaste, that he sent all the mistresses of Mithridates safe to their parents.

113. *Nobilitas Urbis.*] When he sailed from Brundusium, he passed by many very beautiful cities, but visited none of them except Athens, in which he sacrificed and addressed the people.

115. *Signa et tabulas.*] When the Roman commanders found any statues or pictures of value, in conquered cities, they took them and sent them to Rome. This practice became at last so prevalent that it proved a plentiful source of oppression to the subjects of the commonwealth, for even the governors of provinces, thinking they might take the same liberty, with the cities under their command, rifled them of every thing valuable in this kind, without sparing so much as the statues of the Gods.

119. *Fuisse Romanos.*] Curius Dentatus and Fabricius, among the old Romans, were men of so great abstinence, that they

no, quàm imperare aliis maluisse. Jam verò ita faciles aditus ad eum privatorum, ita liberæ querimoniæ de aliorum injuriis esse dicuntur; ut is qui dignitate principibus excellit, facilitate par infimis esse videatur. Jam quantum consilio, quantum dicendi gravitate, et copiâ valeat, in quo ipso inest quædam dignitas imperatoris, vos, Quirites, hoc ipso in loco sæpe cognôstis. Fidem verò ejus inter socios quantum existimari putatis, quam hostes omnium gentium sanctissimam esse judicârint? Humanitate jam tantâ est, ut difficile dictu sit, utrum hostes magis virtutem ejus pugnantes timuerint, an mansuetudinem victi dilexerint. Et quisquam dubitabit, quin huic tantum bellum hoc [a] transmittendum sit, qui ad omnia vestræ memoriæ bella conficienda, divino quodam consilio natus esse videatur?

TERTIA PARS.

In quâ probatur Pompeii auctoritas in bellis administrandis.

XI. Et, quoniam auctoritas multùm in bellis quoque administrandis, atque imperio militari valet, certè nemini dubium est, quin eâ in re idem ille Imperator plurimum possit; vehementer autem pertinere ad bella administranda, quid hostes, quid socii de Imperatoribus vestris existiment, quis ignorat? cùm sciamus homines in tantis rebus, [b] ut aut contemnant, aut metuant, aut oderint, aut ament, opinione non minus famæ, quàm aliquâ certâ ratione commoveri. Quod igitur nomen unquam in orbe terrarum clarius fuit? cujus res gestæ pares? de quo homine vos, id quod maximè facit auctoritatem, tanta et tam præclara judicia fecistis? An verò ullam usquam esse oram tam desertam putatis, quò non illius diei fama pervaserit, cùm universus populus Romanus, referto foro, repletisque omnibus templis, ex quibus hic locus conspici potest, unum sibi ad commune omnium gentium bellum Cn. Pompeium Imperatorem depoposcit? Itaque, ut plura non dicam, neque aliorum exemplis confirmem, quantum hujus auctoritas valeat in bello, ab eodem Cn. Pompeio omnium rerum egregiarum exempla sumantur: qui, quo die à vobis maritimo bello præpositus est Imperator, tanta repentè vilitas annonæ ex summâ inopiâ et caritate [c] rei frumentariæ consecuta est, unius hominis spe et nomine, quantam vix ex summâ ubertate agrorum diuturna pax efficere potuisset. Jam vero acceptâ in Ponto calamitate ex eo prælio, de quo vos paulò antè invitus admonui, cùm socii pertimuissent; hostium

a *decernedum.* b *moveri opinione famæ, et certâ aliquâ ratione, ut aliquem contemnant aut metuant.* c *frumenti.*

refused gifts which were offered to them. See Val. Max. lib. 4. cap. 4.

126. *Facilitate.*] Gentleness is that virtue by which a person shows himself polite and affable to those untimeously approaching him, or making improper inquiries.

10. *Præclara judicia.*] The Roman people had made honourable decisions in favour of Pompey, by decreeing him a triumph when only a knight, in sending him, when Quæstor, with Proconsular authority, against Sertorius, and making him consul before he had held another magistracy.

12. *Referto foro.*] He put the place of the *comitia* for the forum, because it was so near that it is often named instead of the forum.

Ib. *Repletisque.*] Asconius says there were many temples round the forum.

13. *Commune gentium.*] The war with the pirates was the common cause of all nations, because they were alike odious and injurious to all.

21. *Acceptâ calamitate.*] When Triarius was defeated by Mithridates.

opes animique crevissent; cùm satis firmum præsidium provincia non haberet; amisissetis Asiam, Quirites, nisi ipsum [a] id temporis divinitùs Cn. Pompeium ad eas regiones fortuna populi Romani attulisset. Hujus adventus et Mithridatem insolità inflammatum victorià continuit, et Tigranem magnis copiis minitantem Asiæ retardavit. Et quisquam dubitabit quid virtute perfecturus sit, qui tantum auctoritate perfecerit? aut quàm facilè imperio atque exercitu socios et vectigalia conservaturus sit, qui ipso nomine ac rumore defenderit? Age verò, illa res quantam declarat ejusdem hominis apud hosteis populi Romani auctoritatem, quòd ex locis tam longinquis, tamque diversis, tam brevi tempore omnes huic uni se dediderunt? quod Cretensium legati, cùm in eorum insulà noster Imperator exercitusque esset, ad Cn. Pompeium in ultimas propè terras venerunt, eique se omnes Cretensium civitates dedere velle dixerunt? Quid? idem ipse Mithridates, nonne ad eundem Cn. Pompeium legatum usque in Hispaniam misit? eumque Pompeius legatum semper judicavit: ii quibus semper erat molestum, ad eum potissimùm esse missum [b] speculatorem, quàm legatum judicare maluerunt. Potestis igitur jam constituere, Quarites, hanc auctoritatem multis postea rebus gestis, magnisque vestris judiciis amplificatam, quantum apud illos Reges, quantum apud exteras nationes valituram esse existimetis.

QUARTA PARS.

In quâ probatur Felicitas Pompeii.

XII. Reliquum est, ut de felicitate, quam [c] præstare de seipso nemo potest, meminisse, et commemorare de altero possumus; sicut æquum est homini de potestate deorum, timidè et pauca dicamus. Ego enim sic existimo: Maximo, Marcello, Scipioni, Mario, et cæteris magnis Imperatoribus, non solùm propter virtutem, sed etiam

a *eo ipso tempore.* b *exploratorem.* c *prædicare certam fore.*

25. *Ad eas regiones.*] Pompey confirmed Pamphylia and Cilicia by his coming, which provinces were the best situated to carry on a war with the pirates.

27. *Tigranem.*] Tigranes followed Mithridates to Pontus, and when Lucullus was marching against him he was recalled by the Senate.

31. *Age verò.*] He strengthens his proof of the authority of Pompey by examples.

34. *Noster imperator.*] Metellus, who carried on war with the Cretans.

35. *Eique omnes.*] Not only the pirates who were besieged by Metellus, but all the cities of the island were willing to surrender to Pompey.

38. *Ii quibus erat molestum.*] Probably Metellus and Perpenna, who were much offended that the ambassadors were sent to Pompey, and not to themselves, who at that time had an army in Spain.

39. *Speculatorem.*] It is very credible that he should send a spy rather than an ambassador to Metellus and Perpenna.

40. *Potestis constituere.*] He concludes, that since Pompey possesses so great authority, he should be sent to the war.

4. *Maximo.*] Fabius Maximus conquered Hannibal by his wise delays. He was dictator, and five times consul.

Ib. *Marcello.*] Mercellus was five times consul, defeated the Gauls, forced the Insubrians to submit to the republic, routed Hannibal's army at Nola, and took Syracuse by storm.

Ib. *Scipioni.*] Scipio Africanus, at the age of twenty-four, was sent into Spain with Consular authority. By his victories in Africa, he forced Hannibal to return, and then defeated him in a pitched battle, which ended the second Punic war. He was twice consul.

Ib. *Mario.*] Marius conquered Jugurtha king of Numidia, totally destroyed the Teutones, the Ambrones, and Cimbri, and was seven times raised to the consulship.

propter fortunam, sæpius imperia mandata, atque exercitus esse commissos. Fuit enim profectò quibusdam summis viris quædam ad amplitudinem, et gloriam, et ad res magnas benè gerendas divinitùs adjuncta fortuna. De hujus autem hominis felicitate de quo nunc agimus, hâc utar moderatione dicendi, non ut in illius potestate fortunam positam esse dicam, sed ut præterita meminisse, reliqua sperare videamur: ne aut invisa diis immortalibus oratio nostra, aut ingrata esse videatur. Itaque non sum prædicaturus, Quirites, quantas ille res domi militiæque, terrâ marique, quantâque felicitate gesserit: ut ejus semper voluntatibus non modò cives assenserint, socii obtemperârint, hostes obedîerint, sed etiam venti, [a] tempestatesque [b] obsecundârint. Hoc brevissimè dicam, neminem unquam tam impudentem fuisse, qui à diis immortalibus tot et tantas res tacitus auderet optare, quot et quantas dii immortales ad Cn. Pompeium detulerunt. Quod ut illi proprium ac perpetuum sit, Quirites, cùm communis salutis atque Imperii, tùm ipsius hominis causâ, sicuti facitis, velle et optare debetis. Quare cùm et bellum ita necessarium sit, ut negligi non possit; ita magnum, ut accuratissimè sit administrandum: et cùm ei Imperatorem præficere possitis, in quo sit eximia belli scientia, singularis virtus, clarissima auctoritas, egregia fortuna; dubitabitis, Quirites, quin hoc tantum boni, quod vobis à diis immortalibus oblatum et datum est, in rempublicam conservandam atque amplificandam conferatis? Quòd si Romæ Cn. Pompeius privatus esset hoc tempore; tamen ad tantum bellum is erat diligendus, atque mittendus; nunc cùm ad cæteras summas utilitates hæc quoque opportunitas adjungatur, ut in iis ipsis locis adsit, ut habeat exercitum, ut ab iis, qui habent, accipere statim possit: quid expectamus? aut cur non, ducibus diis immortalibus, eidem cui cætera summâ cum salute reipublicæ commissa sunt, hoc quoque bellum Regùm committimus?

CONFUTATIONIS,

PRIMA PARS.

In quâ confutat Hortensium, qui omnia tribuenda uni non censebat.

XIII. At enim vir clarissimus, amantissimus reipublicæ, vestris beneficiis amplissimis affectus, Q. Catulus; itemque summis orna-

a *serenitates.* b *secundæ fuerint.*

12. *Aut invisa aut ingrata.*] If he had said that fortune was in the hands of Pompey, the gods would have been displeased with his oration.

16. *Venti.*] Pompey would not have overcome the pirates so easily if the winds had not been favourable.

Ib. *Tempestates.*] *Tempestas* is often taken for serenity; thus, Virg. Æneid 7. *Unde hæc tam clara repentè tempestas.*

31. *In iis ipsis locis.*] Pompey was then in Asia, opposing the pirates, where he was nigh to Mithridates.

Ib. *Ut habeat exercitum.*] He had a fresh and flourishing army.

Ib. *Ut ab iis.*] He could receive an army both from Glabrio, to whom Lucullus had given a part of his, and from the other Romans who commanded in the neighbouring provinces.

1. *At enim.*] He begins this refutation that from the praise of Hortensius and Catulus, whose authority and dignity he extols, that he might the more easily insinuate himself into the minds of his hearers, and thus prove the equity of his cause.

2. *Beneficiis amplissimis.*] Catulus had ample honours bestowed upon him, being made consul with M. Lepidus by the vote of the people.

Ib. *Summis ornamentis.*] The consular dignity, which was the highest honour in the city. Hortensius had been consul with C. Cæcilus Metellus.

mentis honoris, fortunæ, virtutis, ingenii præditus, Q. Hortensius, ab hac ratione dissentiunt: quorum ego auctoritatem apud vos multis locis plurimum valuisse, et valere oportere confiteor: sed in hac causâ, tametsi cognoscitis auctoritates contrarias fortissimorum virorum et clarissimorum; tamen omissis auctoritatibus, ipsâ re et ratione exquirere possumus veritatem: atque hoc faciliùs, quòd ea omnia, quæ adhuc à me dicta sunt, iidem isti vera esse concedunt, et necessarium bellum esse et magnum, et in uno Cn. Pompeio summa esse omnia. Quid igitur ait Hortensius? si uni omnia tribuenda sunt, unum dignissimum esse Pompeium: sed ad unum tamen omnia deferri non oportere. [a] Obsolevit jam ista oratio, re multò magis, quàm verbis refutata. Nam tu idem, Q. Hortensi, multa pro tuâ summâ copiâ ac singulari facultate dicendi, et in senatu contra virum fortem A. Gabinium gravitèr ornatequè dixisti, cum is de uno imperatore contra prædones constituendo legem promulgâsset: et ex hoc ipso loco permulta idem contra legem verba fecisti. Quid? tum, per deos immortaleis, si plus apud populum Romanum auctoritas tua, quàm ipsius populi Romani salus, et [b] vera causa valuisset, hodie hanc gloriam, atque hoc orbis terræ imperium teneremus? an tibi tum imperium esse hoc videbatur, cùm populi Romani legati, Prætores, Quæstoresque capiebantur? cùm ex omnibus provinciis commeatu, et privato et publico prohibebamur? cùm ita clausa erant nobis omnia maria, ut neque privatam rem transmarinam, neque publicam jam obire possemus? Quæ civitas anteà unquam fuit, non dico Atheniensium, quæ satis latè quondam mare tenuisse dicitur: non Carthaginiensium, qui permultum classe, maritimisque rebus valuerunt: non Rhodio-

a *jam non valet.* b *bona.*

12. *Ad unum omnia.*] If we believe Plutarch, Manilius' law imported that the whole province which Lucullus governed, and all his authority, should be transferred to Pompey, and that Bythinia, which had fallen to the lot of Glabrio, should be joined to it: that he should direct the whole war against Mithridates and Tigranes; that he should have the fleet and all the naval forces, which he had in the beginning of the maritime war with Phrygia, Lycaonia, Galatia, Cappadocia, Cilicia, the higher Colchis and Armenia, together with the army which Lucullus commanded.

14. *Summâ copiâ.*] Cicero also states in his Brutus, that Hortensius was celebrated for his eloquence, and that he stood high in Asiatic literature.

15. *Contra virum fortem.*] When Gabinius, the tribune of the people, proposed the law to confer the management of the war against the pirates to Pompey, L. Trebellius his colleague, firmly resisted it, and declared to the Senate that he had rather die than that it should pass. As he persisted in his resolution, Gabinius threatened to depose him by a vote of the tribes. Trebellius was frightened and absented himself for some time, but still resisted the law until seventeen of the tribes had passed the bill, and the unanimity of the people was evident, after which he left off his resistance. He here calls Gabinius brave, because he had carried this law contrary to the will of the senate and of his colleague.

23. *Commeatu, et privato.*] Every kind of food which was necessary to feed the army or people.

24. *Clausa maria.*] The sea is shut when, either on account of storms or winter or danger from pirates, it could not be navigated.

25. *Privatam rem, neque publicam.*] Neither could the merchants sail, nor magistrates pass, to their provinces.

27. *Mare tenuisse.*] Dyonisius, Hal lib. 2. Antiq. declares that the naval force of the Athenians was so great, that they ruled the sea for 68 years.

Ib. *Carthaginiensium.*] Appianus says that they subjected a great part of the sea to themselves, and carried on war in Sicily, Sardinia, and other islands, which were situated in the same sea, and even in Spain they sent colonies to many places and balanced the power of the Athenians.

28. *Non Rhodiorum.*] By giving early attention to maritime affairs, and conquering the pirates, they long held the empire of the sea.

rum, quorum usque ad nostram memoriam disciplina navalis, et gloria remansit: quæ civitas anteà unquam tam tenuis, quæ tam parva insula fuit, quæ non portos suos et agros, et aliquam partem regionis, atque oræ maritimæ per se ipsa defenderet? At, hercle, aliquot annos continuos ante legem Gabiniam ille populus Roman. cujus usque ad nostram memoriam nomen invictum in navalibus pugnis permanserat, magnâ, et multò maximâ parte non modò utilitatis, sed dignitatis atque imperii caruit. Nos quorum majores Antiochum regem classe, Persenque superârunt, omnibusque navalibus pugnis Carthaginienses, homines in maritimis rebus exercitatissimos paratissimosque vicerunt, ii nullo in loco jam prædonibus pares esse poteramus. Nos quoque, qui anteà non modò Italiam tutam habebamus, sed omneis socios in ultimis oris auctoritate nostri imperii salvos præstare poteramus, tum cùm insula Delos tam procul à nobis in Ægeo mari [a] posita, quò omnes undique cum mercibus atque oneribus commeabant, referta divitiis, parva, sine muro nihil timebat: iidem non modo previnciis, atque oris Italiæ maritimis, ac portubus nostris, sed etiam Appiâ jam viâ carebamus: et his temporibus non pudebat magistratus populi Romani in hunc ipsum locum ascendere, cùm eum vobis majores vestri exuviis nauticis et classium spoliis ornatum reliquissent. Bono te animo tum, Q. Hortensi, populus Romanus, et cæteros, qui erant in eâdem sententiâ, dicere existimavit ea, quæ sentiebatis: sed tamen in salute communi idem populus Romanus dolori suo maluit, quam auctoritati vestræ obtemperare. Itaque una lex, unus vir, unus annus non modò nos illâ miseriâ, ac turpitudine liberavit; sed etiam effecit ut aliquando verè videremur omnibus gentibus ac nationibus terra marique imperare. Quo mihi etiam indignius videtur [b] obtrectatum esse adhuc, Gabinio dicam, an-ne Pompeio, an utrique (id quod est verius) ne legaretur A. Gabinius Cn. Pompeio expetenti ac postulanti? Utrum ille qui postulat legatum ad tantum bellum, quem velit, idoneus non est qui impetret, cùm cæteri ad expilandos socios, diripiendasque provincias, quos voluerunt legatos eduxerint? an ipse, cujus lege salus ac dignitas populo Romano atque omnibus gentibus constituta est, expers esse debet gloriæ ejus Imperatoris, atque ejus exercitûs, qui consilio ipsius, atque periculo est constitutus? an Cn.

a *sita.* b *contradictum.*

34. *In navalibus pugnis.*] According to Livy, the lieutenants of king Antiochus were defeated by the Romans. From the same authority we learn, that the Carthagenians, in the first Punic war, were defeated by Cneus Duellius, and afterwards by Attilius Regulus.

35. *Utilitatis.*] Because the tributes had been intercepted.

Ib. *Dignitatis.*] Because two lieutenants, with their twelve lictors, had been taken prisoners.

37. *Persenque superarunt.*] Livy says, Cn. Octavius obtained a naval triumph over king Perses, *lib.* 45. *c.* 42.

42. *Delos.*] Delos was celebrated for wares, and its convenience as a port for those sailing to Asia from Italy and Greece.

45. *Appia via.*] The Appian way was so called from Appius Claudius, by whom it was made; it reached from the gate Capena to the city Capua, as Frontinus informs us, and was afterwards extended to Brundusium; but by whom is not known; some think that it was by Julius Cæsar: on this point authors are silent. He says, that the Romans had lost this, because that part which adjoined the sea was infested by pirates.

57. *Ne legaretur Gabinius.*] The lieutenants were sent either by the Senate or people, and at the public expense. Pompey had demanded Gabinius as his, but was denied.

Falcidius, Q. Metellus, Q. Cœlius Latiniensis, Cn. Lentulus, quos omneis honoris causâ nomino, cùm Tribuni-pleb. fuissent, anno proximo legati esse potuerunt? in hoc uno Gabinio sunt tam diligentes, qui in hoc bello, quod lege Gabiniâ geritur, in hoc Imperatore, atque exercitu, quem per vos ipse constituit, etiam præcipuo jure esse deberet? de quo legando spero Consules ad Senatum relaturos: qui si dubitabunt, aut [a] gravabuntur, ego me profiteor relaturum: neque me impediet cujusquam, Quirites, inimicum edictum; quo minus, fretus vobis, vestrum jus, beneficiumque defendam: neque præter intercessionem, quidquam audiam: de quâ (ut arbitror) isti ipsi qui minantur, etiam atque etiam [b] qui id liceat considerabunt. Meâ quidem sententiâ, Quirites, unus A. Gabinius belli maritimi, rerumque gestarum auctor, comes Cn. Pompeio adscribitur, propterea quod alter uni id bellum suscipiendum vestris suffragiis detulit: alter delatum, susceptumque confecit.

CONFUTATIONIS,

SECUNDA PARS.

In quâ confutat jam Cicero Q. Catulum, qui 1. dicebat niti in Pompeio totam Reip. spem. 2. esse contra instituta Majorum, ut uni omnia concederentur.

XIV. Reliquum est, ut de Q. Catuli auctoritate et sententiâ dicendum esse videatur: qui cum ex vobis quæreret, si in uno Cn. Pompeio omnia poneretis, si [c] quid de eo factum esset, in quo spem essetis habituri: cepit magnum suæ virtutis fructum, ac dignitatis, cum omnes prope unâ voce in eo ipso vos spem habituros esse [d] dixistis. Etenim talis est vir, ut nulla res tanta sit, ac tam difficilis, quam ille non et consilio regere, et integritate tueri, et virtute conficere possit; sed in hoc ipso ab eo vehementissimè dissentio, quòd, quo minus certa est hominum ac minus diuturna vita, hoc magis respub. dum [e] per deos immortaleis licet, frui debet summi hominis vitâ atque virtute. At enim nihil novi fiat contra exempla, atque instituta Majorum. Non dico hoc loco Majores nostros semper in pace consuetudini, in bello utilitati paruisse, semper ad novos casus temporum, novorum

a *facient molesta.* b *quomodo.* c *si contingeret eum mori.*
d *respondistis.* e *dum immortales dii permittunt.*

65. *Anno proximo.*] They who had been tribunes, could not be lieutenants to those commanders who were chosen during their tribuneship, unless they had been one year out of office. He, however, proves, by the examples of many who had been sent, at various times, immediately after their tribuneship, as lieutenants to those generals who were chosen during their term of office, that Gabinius should not be made an exception.

70. *Ego me relaturum.*] The right of convening the Senate was vested in the Dictators, Consuls, Prætors, Tribunes of the people, and the Præfect of the city; but when the Consuls were present, inferior magistrates had not this power.

72. *Præter intercessionem.*] None had a right to petition against a decree of the Senate, but such as were equal or greater in power than those who petitioned for it.

12. *Semper in pace.*] Valerius Max. relates of Marius, that when he was reproved for receiving two cohorts more than were appointed to him by law, replied, "I cannot listen to words of civil law in the midst of the noise of arms."

consiliorum rationes accommodâsse: non dicam duo bella maxima, Punicum, et Hispaniense ab uno imperatore esse confecta: duas urbes potentissimas, quæ huic imperio maximè minabantur, Carthaginem atque Numantiam ab eodem Scipione esse deletas: non commemorabo, nuper ita vobis, patribusque vestris esse visum, ut in uno C. Mario spes imperii poneretur: ut idem cum Jugurthâ, idem cum Cimbris, idem cum Theutonis bellum administraret; in ipso Cn. Pompeio, in quo novi constitui nihil vult Q. Catulus, quàm multa sint nova summâ Q. Catuli voluntate constituta, recordamini. Quid enim tam novum, quàm adolescentulum privatum, [a] exercitum difficili reipublicæ tempore conficere? confecit: huic præesse? præfuit: rem optimè ductu suo gerere? gessit. Quid tam præter consuetudinem, quàm homini peradolescenti, cujus à Senatorio gradu ætas longè abesset, imperium atque exercitum dari? Siciliam permitti, atque Africam, bellumque in eâ administrandum? Fuit in his provinciis singulari innocentiâ, gravitate virtute: bellum in Africâ maximum confecit, victorem exercitum [b] deportavit. Quid verò tam inauditum, quàm equitem Rom. triumphare? at eam quoque rem populus Romanus non modò vidit, sed etiam studio omni visendam putavit. Quid tam inusitatum quàm ut, cùm duo Consules clarissimi fortissimique essent, Eques Rom. ad bellum maximum, formidolosissimumque pro Consule mitteretur? missus est. Quo quidem tempore, cùm esset non nemo in Senatu, qui diceret, Non oportere mitti hominem privatum pro consule: L. Philippus dixisse dicitur, Non se illum suâ sententiâ pro Consule, sed pro Consulibus mittere. Tanta in eo reipublicæ benè gerendæ spes constituebatur, et duorum Consulum munus unius adolescentis virtuti committeretur. Quid tam singulare, quàm

a *cogere exercitum tempore bellorum civilium Reipub.* b *deduxit.*

15. *Punicum et Hispan.*] Pub. Scipio Æmilianus, when he was suing for the ædileship, and had not reached the consular age by ten years, was made consul contrary to the laws, and sent into Africa, where he destroyed Carthage. He was again made Consul by the Senate and people, contrary to the law, which provided that no one should be re-elected Consul until ten years after he had been Consul. He took Numantia, after an obstinate resistance, and thus repaired the disgrace which the commonwealth had sustained.

18. *Ut in uno Mario.*] Marius had been seven times consul.

19. *Cum Jugurthâ.*] Marius conquered Jugurtha, and lead him in triumph with his two sons, all of whom were afterwards slain in prison.

Ib. *Cum Cimbris.*] The Cimbri had often defeated the Roman armies and taken their generals; but Marius, at length, defeated them in two battles, in which he slew two hundred thousand, and took ninety thousand prisoners.

20. *Cum Theutonis*] After their defeat the Cimbri joined themselves to the Theutones, but Marius was no less successful against them, he killed forty thousand, and took sixty thousand prisoners.

26. *Ætas longe absset.*] Plutarch asserts that he could easily have been enrolled in the Senate, but that it was more glorious for him to triumph, being only a knight.

31. *Triumphare.*] He triumphed, according to Florus, because he had slain Domitius, an outlaw, and Hierica, king of the Numidians.

32. *Non modò vidit.*] He saw in Pompey a thing which was altogether new, that a knight had triumphed at so early an age, when that glory should only be given to a consul, or at least to a Senator.

33. *Duo Consules.*] Lepidus and Catulus.

34. *Pro Consules.*] Those persons who, after being consuls, were sent into the provinces with supreme authority, and those who were sent instead of consuls were called proconsuls, hence these provinces were called either consular or prætorian, as Prætors were sent to the same.

37. *L. Philippus.*] A Senator of great authority.

ut ex Senatusconsulto legibus [a] solutus, Consul ante fieret, quàm ullum alium Magistratum per leges [b] capere licuisset; quid tam incredibile, quàm ut iterum Eques Rom. ex s. c. triumpharet? quæ in omnibus hominibus nova post hominum memoriam constituta sunt, ea tam multa non sunt, quàm hæc quæ in hoc uno homine vidimus. Atque hæc tot exempla, tanta ac tam nova profecta sunt in eundem hominem à Q. Catulo, atque à cæterorum ejusdem dignitatis amplissimorum hominum auctoritate. Quare videant, ne sit periniquum, et non ferendum, illorum auctoritatem de Cn. Pompeii dignitate à vobis comprobatam semper esse; vestrum ab illis de eodem homine judicium, populique Rom. auctoritatem improbari: præsertim cùm jam suo jure populus Romanus in hoc homine suam auctoritatem vel contra omneis qui dissentiunt, possit defendere: propterea quod istis reclamantibus, vos unum illum ex omnibus delegistis, quem bello prædonum præponeretis. Hoc si vos temerè fecistis, et reipublicæ parùm consuluistis; rectè isti studia vestra suis consiliis regere conantur; sin autem vos plus tum in republicâ vidistis, vos, his repugnantibus, per vosmetipsos dignitatem huic imperio, salutem orbi terrarum attulistis: aliquando isti principes, et sibi, et cæteris, populi Romani universi auctoritati parendum esse fateantur. Atque in hoc bello Asiatico, et Regio, non solùm militaris illa virtus quæ est in Cn. Pompeio singularis, sed aliæ quoque virtutes animi multæ et magnæ requiruntur. Difficile est in Asiâ, Ciliciâ, Syriâ, regnisque interiorum nationum ita versari vestrum Imperatorem, ut nihil aliud quàm de hoste ac de laude cogitet: deinde etiam si qui sunt pudore ac temperantiâ moderatiores, tamen eos esse taleis propter multitudinem cupidorum hominum nemo arbitratur. Difficile est dictu, Quirites, quanto in odio simus apud exteras nationes propter eorum, quos ad eas per hos annos cum imperio misimus injurias ac libidines. Quod enim fanum putatis in illis terris nostris Magistratibus religiosum, quam civitatem sanctam, quam domum satis clausam ac munitam fuisse? urbes jam locupletes ac copiosæ [c] requiruntur, quibus causa belli propter diripiendi cupiditatem inferatur. Libenter hæc coràm cum Q. Catulo et Hortensio disputa-

a *dispensatus.* b *suscipere Magistrautm gerendum.* c *inquiruntur.*

42. *Ullum Magistratum.*] The Quætorship was the first office which was conferred upon young men; hence *Cic. in lib Epist. Quæstorem Cæcilium præposui provinciæ, puerum, inquis? at Quæstorem, &c.*

43. *Iterum triumpharet.*] Pompey was honoured with two triumphs when only a knight, the last was over Sertorius.

49. *A vobis comprobatum.*] The Roman people approved the decree of the Senate, by which triumphs were granted to Pompey. They had magistrates, namely tribunes, by whom the decrees of the Senate were to be examined, if they disapproved of them they were void, but if otherwise, they were accepted.

53. *Istis reclamantibus.*] When, by the Gabinian law, the command in the war against the pirates was given to Pompey, contrary to the will of the Senate, Hortensius, Catulus, and others, voted against him.

56. *Suis consiliis.*] The Senators had not the right of suffrage, but only to address the people, and persuade to, or dissuade from, any measure, by which means they governed the desires of the people by their own.

68. *Quos ad eas.*] Perhaps he intends Glabrio, who succeeded Lucullus.

70. *Sanctam.*] Those places are called sacred by lawyers, which were rightly consecrated by the priests to God, such as sacred houses, gifts designed for the temples, the walls, and gates of cities.

71. *Urbe jam locupletes.*] Cities of wealth were sought for, that, under the pretence of war, they might have an opportunity to plunder them.

rem, summis et clarissimis viris; noverunt enim sociorum vulnera, vident eorum calamitates, querimonias audiunt. Pro sociis vos contra hostes exercitum mittere putatis, an hostium simulatione contra socios atque amicos? quæ civitas est in Asia, quæ non modò unius Imperatoris, aut Legati, sed unius Tribuni militum animos ac spiritus [a] capere possit? Quare, etiamsi quem habetes, qui [b] collatis signis, exercitus Regios superare posse videatur; tamen nisi erit idem, qui se à pecuniis sociorum, qui ab eorum conjugibus ac liberis, qui ab auro gazâque regiâ manus, oculos, animum cohibere possit, non erit idoneus qui ad bellum Asiaticum Regiumque mittatur. Ecquam putatis civitatem pacatam fuisse, quæ locuples sit? ecquam esse locupletem, quæ istis pacata esse videatur? Ora maritima, Quirites, Cn. Pompeium non solùm propter rei militaris gloriam, sed etiam propter animi continentiam [c] requisivit; videbat enim populus Romanus non locupletari quotannis pecuniâ publicâ, præter paucos: neque nos quidquam aliud assequi [d] classium nomine, nisi ut detrimentis accipiendis majore affici turpitudine videremur. Nunc quâ cupiditate homines in provincias, quibus jacturis, quibus conditionibus proficiscantur, ignorant videlicet isti qui ad unum deferenda esse omnia non arbitrantur; quasi verò Cn. Pompeium non cùm suis virtutibus, tum etiam alienis vitiis magnum esse videamus. Quare nolite dubitare quin huic uni credatis omnia, qui [e] inter annos tot unus inventus sit, quem socii in urbeis suas cum exercitu venisse gaudeant. Quòd si auctoritatibus hanc causam, Quirites, confirmandam putatis, est vobis auctor, vir bellorum omnium maximarumque rerum peritissimus P. Servilius: cujus tantæ res gestæ terrâ marique exstiterunt, ut, cùm de bello deliberetis, auctor vobis gravior esse nemo debeat: est C. Curio summis vestris beneficiis, maximisque rebus gestis, summo ingenio et prudentiâ præditus: est Cn. Lentulus, in quo omnes, pro amplissimis vestris honoribus, summum consilium, summam gravitatem esse cognoscitis: est C. Cassius integritate, virtute, constantiâ singulari. Quare videte, ut [f] horum auctoritatibus, illorum orationi qui dissentiunt, respondere posse videamur.

a *continere et satiare.* b *pugnâ datâ.* c *quæsivit studiosè.* d *quòd præfecti sint exercitui navali.* e *à tot annis.* f *per auctoritates eorum.*

82. *Gazâ regiâ.*] The money of Mithridates and Tigranes; he advises that a general, such as Pompey, who could turn his mind from avarice, should be selected.

87. *Non locupletari.*] The money which was taken from enemies, by the generals, was brought into the public treasury, on which account Quæstors were sent with them, that they might attend to the money, and place the plunder to the public account.

93. *Tum alienis vitiis.*] This redounded to the praise of Pompey, who had been continent and innocent, when all others were famous for their avarice and incontinence.

98. *P. Servilius.*] This P. Servilius was sent against the pirates, and conquered them in a bloody engagement. But not content with driving them from the sea, overturned their strongest cities, the repositories of their plunder, Phaselis, Olympus, and Isaurus, the very capital of Cilicia. Conscious of the great labor which he had performed, he took the name of Isauricus.

100. *Est C. Curio.*] Curio was consul with Cn. Octavius, who, when proconsul, conquered the Greeks.

102. *Cn. Lentulus.*] Lentulus, the colleague of Lucullus, fought with Spartacus.

PERORATIO.

XV. Quæ cum ita sint, C. Manili, primùm istam tuam et legem, et voluntatem, et sententiam laudo, vehemitissimèque comprobo: deinde te hortor ut auctore populo Romano maneas in sententia, neve cujusquam vim, aut minas pertimescas. Primùm in te satis esse animi, constantiæque arbitror: deinde cum tantam multitudinem cum tanto studio adesse videamus, quantam nunc iterùm in eodem homine præficiendo videamus; quid est, quod aut de re, aut de perficiendi facultate dubitemus? Ego autem, quidquid in me est studii, consilii, laboris, ingenii, quidquid hoc beneficio populi Romani, atque hâc potestate prætoriâ, quidquid auctoritate, fide, constantiâ possum, id omne ad hanc rem conficiendam tibi et populo Romano polliceor et defero; testorque omnes deos, et eos maximè qui huic loco, temploque præsident, qui omnium menteis eorum, qui ad Rempubl. adeunt, maximè perspiciunt, me hoc neque rogatu facere cujusquam, neque quo Cn. Pompeii gratiam mihi per hanc causam conciliari putem, neque quo mihi ex cujusquam amplitudine, aut præsidia periculis, aut adjumenta honoribus quæram; propterea quòd pericula facilè, [a] ut hominem præstare oportet, innocentiâ tecti pellemus; honores autem, neque ab uno, neque ex hoc loco, sed eâdem nostrâ illâ laboriosissimâ ratione vitæ, si vestra voluntas feret, consequemur. Quamobrem quidquid in hac causâ mihi susceptum est, Quirites, id omne me reipublicæ causâ suscepisse [b] confirmo: tantumque abest ut aliquam bonam gratiam mihi quæsisse videar, ut multas etiam simultates partìm obscuras, partìm apertas, intelligam mihi non necessarias, vobis non inutiles suscepisse. Sed ego me hoc honore præditum, tantis vestris beneficiis affectum, statui, Quirites, vestram voluntatem, et reipublicæ dignitatem, et salutem provinciarum, atque sociorum, meis omnibus commodis et rationibus præferre oportere.

a *quatenus*. b *affirmo*.

1. *Istam tuam legem.*] This law was very displeasing to good men, not only because it seemed to destroy public liberty, but because it deprived Lucullus of the glory of his military achievements. Many indeed attempted to oppose it, but none did it boldly, except Catulus.

12. *Huic loco.*] The temples of Jupiter, Castor, and Concordantia, were around the forum.

Ib. *Temploque.*] Templum is often put for the Senate house, and sometimes for the forum, thus Livy. lib. 8. *Rostraque id templum appellatum.*

16. *Adjumenta honoribus.*] He declares that in this defence of the Manilian law, he did not seek to promote himself to the consulship, which he considered the greatest honour, but only the public good.

24. *Vobis non inutiles.*] He insinuates that on account of their secret enmity, he would disclose many things dishonestly carried on by them, the knowledge of which might perhaps be useful to the Republic.

PRO

C. RABIRIO,

PERDUELLIONIS REO:

AD QUIRITES.

Titus Atticus Labienus, tribune of the people, impeached C. Rabirius of treason, for having, thirty-six years before, slain Apuleius Saturninus, who had raised a sedition in the city, and was declared by the senate an enemy to the Roman state. Hortensius and Cicero, at that time consul, undertook his defence. The cause had been already tried before the Decemviri, where Rabirius, being condemned, appealed to the people in their *comitia* by centuries. It was on this occasion that Cicero made the following speech, a great part of which is lost. But the affair never came to an issue. For the senate, dreading the spirit of the people on this occasion, Metellus Celer contrived to dissolve the assembly, by taking away the military ensign from the Janiculum; and Labienus, not thinking fit to renew the prosecution, Rabirius escaped. Cicero delivered this oration in the 44th year of his age, 37 years after the death of Saturninus, A. U. C. 690.

EXORDIUM.

In quo proponit causas, quibus adducitur ad Rabirium defendendum.

I. ETSI, Quirites, non est meæ consuetudinis, initio dicendi rationem reddere, quâ de causâ quemque defendam, propterea quòd cum omnibus civibus in eorum periculis semper satìs justam mihi causam necessitudinis esse duxi: tamen in hac defensione [a] capitis, famæ, fortunarum omnium C. Rabirii, proponenda ratio videtur esse [b] officii mei; propterea quòd, quæ justissima mihi causa ad hunc defendendum esse visa est, eadem vobis ad absolvendum debet videri. Nam me cùm amicitiæ vetustas, tum dignitas hominis, tum ratio

INTERPRETATIO.

a *vitæ*. b *defensionibus hujus*.

NOTES.

1. *Meæ consuetudinis.*] Although it was not Cicero's usual practice to give a reason for defending any one, yet he did sometimes do so, as in his orations for Sylla, and Archia the poet.

4. *Necessitudinis.*] Rabirius was his friend, and he was, consequently, bound to defend him.

8. *Amicitiæ vetustas.*] Cicero would have violated a friendship of long standing, if he had not assisted his friend when in danger.

Ib. *Ratio humanitatis.*] We are moved by humanity, to relieve men in distress.

humanitatis, tum meæ vitæ perpetua consuetudo, ad C. Rabirium defendendum est ad hortata: tum verò, ut id studiossisimè facerem, salus reip. consulare officium, consulatus denique ipse mihi unà vobiscum cum salute reipubl. commendatus, coëgit. Non enim C. Rabirium culpa delicti, non invidia, vitæque turpitudo, non denique veteres, justæ, gravesque inimicitiæ civium in discrimen capitis vocaverunt: sed ut illud summum auxilium Majestatis, atque imperii, quod nobis à Majoribus est traditum, de repub. tolleretur; ut nihil posthàc auctoritas senatûs, nihil consulare imperium, nihil consensio bonorum contra pestem ac perniciem civitatis valeret: idcircò in his rebus evertendis unius hominis senectus, infirmitas, [a] solitudoque tentata est. Quamobrem, si est boni consulis, cùm cuncta auxilia reipub. labefactari, convellique videat, ferre opem patriæ, succerrere saluti fortunisque communibus, implorare civium fidem, [b] suam salutem posteriorem salute communi ducere; est etiam bonorum et fortium civium, quales vos omnibus reip. temporibus exstitistis, intercludere omnes seditionum vias, munire præsidia reipubl. summum in consulibus imperium, summum in senatu consilium, putare; ea qui secutus sit, laude potius et honore, quàm pœnâ et supplicio dignum judicare. Quamobrem labor in hoc defendendo præcipuè meus est: studium vero conservandi hominis commune mihi vobiscum esse debebit. Sic enim existimare debetis, Quirites, [c] post hominum memoriam rem nullam majorem, magis periculosam, magis et omnibus vobis provi-

a *desertio.* b *pluris facere salutem civium quàm suam.* c *unquam ullam rem.*

10. *Salus reipub.*] In this cause he speaks of the safety of the republic, which seditious citizens endeavoured to distract, during the tumult that was raised by Saturninus, as appears from the argument of the oration.

11. *Consulare officium.*] Cicero was consul when he spoke this oration, at which time it was his duty to defend the consular authority, by which Saturninus had been slain.

Ib. *Consulatus denique.*] By a decree of the Senate, Cicero and the Romans were commanded to defend the consular dignity, which would be violated, if it were criminal for the consuls to punish seditious citizens.

13. *Culpa delicti.*] Rabirius was not cited to trial because he had committed a crime, but because he had obeyed the consul when he called the citizens to arms.

15. *Summum auxilium.*] He intends that famous decree of the Senate, by which, in times of public danger, the consuls were commanded to see that the republic suffered no injury, and by which the power of raising armies, and carrying on war, was given to the consuls.

16. *Tolleretur.*] He hints, that unless that power was continued to the consuls, the dignity of the republic would soon be destroyed by seditious citizens.

17. *Consensio bonorum.*] The Senate, and those who supported the decree of the Senate, when Saturninus, going from the capitol, was crushed to death.

19. *Hominis Senectus.*] Rabirius must have been very old, for Saturninus had been killed thirty-six years previous, at which time he was a Senator, to which dignity he could not be admitted until thirty years of age.

Ib. *Solitudo.*] Those who are deserted by all, may be called solitary, but this could not be correctly said of Rabirius, as he was defended by the principal citizens. This was an oratorical exaggeration, to excite the pity of the people towards him.

25. *Seditionum vias.*] He speaks of the sedition which Saturninus had excited thirty-six years previous; and, if a new sedition should take place, he shows in what way the Senate and people should oppose it.

25. *Summum in consulibus imperium.*] The authority of the consuls was very great, and when compared with that of other magistrates almost royal; but it was inferior to the power of the people.

28. *Labor in defendendo.*] He says, there is often greater labour in defending than prosecuting.

dendam, neque à tribuno-pleb. susceptam, neque à consule defensam, neque ad populum Rom. esse delatam. Agitur enim nihil aliud in hac causâ Quirites, quàm ut nullum sit posthàc in repub. publicum consilium, nulla bonorum consensio contra improborum furorem et audaciam ; nullum extremis reip. temporibus perfugium et præsidium salutis. Quæ cum ita sint, primùm, quod in tantâ dimicatione capitis, famæ, fortunarumque omnium fieri necesse est, ab Jove Optimo Max. cæterisque diis deabusque immortalibus, quorum ope et auxilio multò magìs hæc resp. quàm ratione hominum et consilio gubernatur, pacem ac veniam peto: precorque ab iis, ut hodiernum diem et ad hujus salutem conservandam, et ad rempubl. [a] constituendam, illuxisse patiantur. Deinde vos, Quirites, quorum potestas proximè ad deorum immortalium numen accedit, oro atque obsecro, quoniam uno tempore vita C. Rabirii, hominis miserrimi atque innocentissimi, salus reip. vestris manibus suffragiisque permittitur, adhibeatis in hominis fortunis misericordiam, in reip. salute sapientiam, quam soletis.

CONFUTATIO.

Quam inchoat per apostrophen ad Labienum, conquerendo de semihoræ tantùm spatio ad Rabirium defendendum, ac objecta ipsi crimina breviter deluit.

Deinde duo sibi ipsi objecta crimina diluit.

II. Nunc quoniam, T. Labiene, diligentiæ meæ temporis angustiis obstitisti, meque ex comparato et constituto spatio defensionis in semihoræ curriculum coegisti, parebitur, et quod iniquissimum est, accusationis conditioni, et quod miserrimum, inimici potestati. Quanquam in hac [b] præscriptione semihoræ [c] patroni mihi parteis reliquisti, consulis ademisti: propterea quod ad defendendum propemodum satis erit hoc mihi temporis, verùm ad conquerendum parùm. Nisi fortè de locis religiosis, ac de lucis, quos ab hoc violatos esse dixisti, pluribus verbis, tibi respondendum putas. Quo in crimine nihil est

a *stabiliendam.* b *definitione.* c *defensoris.*

32. *A tribuno plebis.*] T. Labienus.

36. *Extremis reipub. temporibus.*] *Extrema tempora* were times of great danger, during which it was prescribed to the consuls to see that the republic received no injury.

38. *Ab jove.*] It was a common practice, not only among the Greek, but also the Roman orators, to invoke the Gods in the beginning of their orations. Jupiter is so called *quasi juvans pater*, and *maximus et optimus* were the epithets by which he was always addressed.

40. *Pacem ac veniam.*] He professed that he sought assistance from the Gods: properly speaking, we ask pardon of the Gods, when we have offended them, and seek to propitiate their favour.

44. *Numen accedit.*] By *numen*, is commonly understood, the power of the Gods: whence *in lib. de nat. Deor. Omnes naturæ numini divino parent.*

46. *Suffragiisque permittitur.*] This cause was tried before the people, and was to be decided by their votes.

1. *T. Labiene.*] He was a tribune of the people, and went over from Cæsar to Pompey.

2. *Semihoræ.*] He complains that so little time was allowed him, by the tribune, for answering the charge brought against his client, for he was confined to the short space of half an hour, whereas, it was usual to allow two hours for the accusation, and three for the defence.

8. *De locis religiosis.*] Those places were held sacred, in which the dead were buried, as Marianus *Juris cons. lib. Digest.* says: groves in sight of a farm or village, in which the household Gods were worshipped on certain days, by masters and servants, were also called by this name.

unquam abs te dictum, nisi à C. Macro objectum esse crimen id C. Rabirio: in quo ego demiror, meminisse te, quid objecerit C. Rabirio Macer inimicus; oblitum esse, quid æqui et jurati Judices Judicârint. An de peculatu facto, an de tabulario incenso longa oratio est expromenda? quo in crimine propinquus C. Rabirii judicio clarissimo C. Curtius pró virtute suâ est honestissimè liberatus: ipse verò Rabirius non modò in judicium horum criminum, sed ne in tenuissimam quidem suspicionem verbo est unquam vocatus. An de sororis filio diligentiùs respondendum est, quem ab hoc necatum esse dixisti, cum ad judicii [a] moram familiaris funeris excusatio quæreretur? Quid enim est tam verisimile, quàm cariorem huic sororis maritum, quàm sororis filium fuisse? atque ita cariorem, ut alter vitâ crudelissimè privaretur, cum alteri ad prolationem judicii biduum quæreretur? An de servis alienis contra legem Fabiam retentis, aut de civibus Rom. contra legem Porciam verberatis, aut necatis, plura dicenda sunt, cùm tanto studio C. Rabirius totius Apuliæ, singulari voluntate Campaniæ vicinitatis ornetur? cùmque ad ejus propulsandum periculum non modò homines, sed propè regiones ipsæ convenerint, aliquanto etiam latiùs excitatæ, quàm ipsius vicinitatis nomen ac termini postulabant? Nam quid ego ad id longam Orationem comparem, quod est in eadem multæ irrogatione præscriptum, hunc nec suæ, nec alienæ pudicitiæ pepercisse? Quinetiam suspicor, eò mihi semi-horam à Labieno præstitutam esse, ut ne plura de pudicitiâ dicerem. Ergo ad hæc crimina, quæ patroni diligentiam desiderant, intelligis mihi semi-horam istam nimium longam fuisse. Illam alteram partem de nece Saturnini nimis exiguam atque angustam esse voluisti: quæ non Orationis ingenium, sed consulis auxilium implorat et flagitat.

a *prolationem.*

10. *A Macro.*] Macer had accused Rabirius, in another trial, of the same crime. He was a Prætor and father of the orator Calvus.

12. *Jurati.*] The judges were sworn before they passed sentence, that they would judge uprightly.

13. *Tabulario incenso.*] The place where the register and public acts were kept. When Rabirius was charged with this crime, the true author was not known, but Q. Sosius confessed, some time after, that he was guilty.

19. *Familiaris funeris.*] Ulpinus in his Digest. lib. 2. says, 'that it was not lawful to summon any one to trial, when he superintended a funeral, or performed sacred rites to the dead.'

23. *Legem Fabiam.*] The law provided that no freeman should be sold as a slave, and that no person should conceal or sell the servant of another man, without the consent of the master. Some suppose that it should be read *legem Flaviam*, as that treats of knowingly buying or selling of freemen or slaves that belonged to other masters; and he who enticed away, sold, or bought the slaves of another person or freeman, as if slaves, was called *Plagiarius.*

24. *Legem Porciam.*] This law was enacted by M. Porcius Cato, tribune of the people in the consulship of Valerius and Apuleius. By it no magistrate was permitted to beat a Roman citizen with rods, or to put him to death, whereas, it had formerly been the practice to strip the person quite naked, and thrust his neck between the two prongs of a fork, and scourge him to death.

25. *Totius Apuliæ.*] Rabirius was either an Apulian, or had been a magistrate in Apulia.

26. *Campaniæ.*] Rabirius had farms in Campania, and a mansion at Neapolis; he was accused of having beaten and slain freemen at this place.

30. *Multæ irrogatione.*] The method of proceeding in cases of amercement was this: The magistrates summoned the party to appear before the people on a certain day, he then accused him three times, and afterwards as it was termed *irrogabat multum*, that is, he petitioned the people to confiscate a certain part of his estate.

Nam de perduellionis judicio, quod à me sublatum esse criminari soles, meum crimen est, non Rabirii. Quod utinam, Quirites, ego id aut primus, aut solus ex hac repub. sustulissem! utinam, quod ille crimen esse vult, proprium testimonium meæ laudis esset! Quid enim optari potest, quod ego mallem, quàm me in consulatu meo carnificem de foro, crucem de campo sustulisse? Sed ista laus primùm est majorum nostrorum, Quirites, qui expulsis regibus, nullum in libero populo vestigium crudelitatis regiæ retinuerunt: deinde multorum virorum fortium, qui vestram libertatem non acerbitate suppliciorum [a] infestam, sed lenitate legum munitam esse voluerunt. Quamobrem uter nostrum tandem, Labiene, popularis est? tu-ne, qui civibus Roman. in concione ipsâ carnificem, et vincula adhiberi putas oportere? qui in campo Martio, comitiis centuriatis, auspicato in loco, crucem ad civium supplicium defigi et constitui jubes? an ego, qui funestari concionem contagione carnificis veto? qui expiandum forum pop. Romani ab illis nefarii sceleris vestigiis esse dico; qui castam concionem, sanctum campum, inviolatum corpus omnium civium Rom. integrum jus libertatis defendo servari oportere? Popularis verò tribunus-pleb. custos, defensorque juris, et libertatis. Porcia lex virgas ab omnium civium Rom. corpore amovit; hic misericors flagella retulit. Porcia lex libertatem civium lictori eripuit: Labienus, homo popularis, carnifici tradidit. C. Gracchus legem tulit, ne de capite civium Rom. injussu vestro judicaretur: hic popularis à Duumviris injussu vestro, non judicari de cive Rom. sed indictâ causâ civem Roman. capitis condemnari coegit. Tu mihi etiam legis Porciæ, tu C. Gracchi, tu horum libertatis, tu cujusquam denique hominis popularis mentionem facis, qui non modò suppliciis inusitatis, sed etiam verborum inauditâ crudelitate violare libertatem hujus populi, [b] ten-

a *vexatum*. b *tollere*.

37. *Nam de perduellionis judicio.*] In what respect could Cicero be charged with having abolished the usual forms of proceeding in cases of treason? Not by any law that he had procured to be enacted, but by prevailing to have Rabirius tried in the *comitia* by centuries, and exercising his eloquence and interest to get the sentence of the Duumviri reversed.

41. *Carnificem de foro.*] Labienus had brought an executioner into the forum, whilst the trial of Rabirius was progressing, that he might lead him condemned from thence to the Campus Martius, and there hang him upon a cross which he had prepared.

49. *Comitiis centuriatis.*] The *comitia* by centuries were considered the greatest of all, both because they assembled according to the age and assessment of the citizens, and because the consuls and higher magistrates were elected, and all important accusations were tried in them.

Ib. *Auspicato in loco.*] A place which had been consecrated under consular auspices, as it was not lawful to hold the *comitia* with a good omen unless in a consecrated place.

51. *Funestari.*] Not only he who had touched a dead body was esteemed polluted, but even he who had looked upon one.

Ib. *Contagioni carnificis.*] It was contrary to law for an impure executioner to touch a citizen in the assembly.

52. *Nefarii sceleris.*] It was considered a base thing for a Roman citizen to be taken and led to the *patibulum*, which was only done to expatiate some base crime.

59. *A Duumviris.*] Suetonius, in his life of Cæsar, mentions that the Duumviri were created by Tullius Hostilius the king, in the cause of the Horatii; but there was liberty to appeal to the people. This cause of Rabirius was tried by the Duumviri, and being condemned by them, he appealed to the people.

60. *Indictâ causâ.*] There was no defence of Rabirius, for they do not plead their own cause, who are condemned contrary to the laws.

tare mansuetudinem, commutare disciplinam conatus es? Namque hæc tua, quæ te hominem clementem popularemque delectant: I, LICTOR, [a] COLLIGA MANUS: quæ non modò hujus libertatis, mansuetudinisque non sunt, sed ne Romuli quidem, aut Numæ Pompilii: sed Tarquinii surperbissimi atque crudelissimi regis ista sunt cruciatûs carmina: quæ tu homo lenis, ac popularis, libentissimè commemoras, CAPUT OBNUBITO, ARBORI INFELICI SUSPENDITO Quæ verba, Quirites, jam pridem in hac repub. non solùm tenebris vetustatis, verum etiam luce libertatis oppressa sunt.

III. An vero, si actio ista popularis esset, et si ullam partem æquitatis haberet aut juris, C. Gracchus eam reliquisset? scilicet tibi graviorem dolorem patrui tui mors attulit, quàm C. Graccho fratris: et tibi acerbior ejus patrui mors est quam nunquam vidisti, quàm illi ejus fratris, quìcum concordissimè vixerat: et similis viri tu ulciscereris patrui mortem, atque ille persequeretur fratris sui, si istâ ratione agere voluisset? et par desiderium sui reliquit apud populum Romanum Labienus iste, patruus vester, quisquis fuit, ac Tib. Gracchus reliquerat? An pietas tua major, quàm Gracchi? an animus? an consilium? an opes? an auctoritas? an eloquentia? quæ si in illo minima fuissent, tamen [b] præ tuis facultatibus maxima putarentur. Cùm vero his rebus omnibus C. Gracchus omnes vicerit, quantum intervallum tandem inter te, atque illum interjectum putas? Sed moreretur priùs acerbissimâ morte millies Gracchus, quàm in ejus concione carnifex consisteret; quem non modò foro, sed etiam [c] cœlo hoc ac spiritu censoriæ leges, atque urbis domicilio carere voluerunt. Hic se popularem dicere audet, me alienum à commodis vestris: cum iste omnes et suppliciorum, et verborum acerbitates, non ex memoriâ vestrâ ac

a *liga.* b *in comparatione facultutum tuarum.* c *aere.*

66. *I. Lictor, &c.*] The form of sentence which was passed by the Duumviri on those who had been guilty of murder.

69. *Sed Tarquinii.*] Tullius Hostilius was the author of that sentence in the condemnation of Horatius, and not Tarquin; but he here attributes it to him, because he had frequently used it against the citizens.

70. *Cruciatûs carmina.*] The form of words in which the law was first conceived. For laws and decisions are often called by Roman authors *carmina*, because they are proclaimed by the public criers.

71. *Caput obnubito.*] With a veil, least the condemned person should be affrighted at the sight of *Patibulum*, or to denote that it was unworthy of the light.

Ib. *Arbori infelici.*] The cross, which was made of unlucky wood. According to Pliny, those trees were cursed which were condemned by religion, which were never planted, and bear no fruit, and were consecrated to the infernal gods.

73. *Tenebris vetustatis, luce libertatis.*] Those severe laws against murder had been removed by the new and milder ones which had been passed.

3. *Fratris.*] From these words we may conjecture that Q. Labienus, the uncle of Titus, was tribune of the people when he was slain with Saturninus, but Gracchus had two brothers, Tiberius and Caius, both of them seditious persons, and tribunes of the people. When the former sought to be tribune a second time, he was slain by Nasica, and the latter by Lucullus Opimius, the consul.

5. *Et similis.*] The word *Et*, is put interrogatively, as in Virg. Et *quæ tanta fuit Romam tibi causa videndi?*

7. *Desiderium.*] Plutarch says, that the Romans were so much grieved at the death of the Gracchi, that they erected statues to them where they were slain.

10. *Eloquentia.*] Cicero, in his *Claris Orat.* says, *C. Graccho pleniorem et uberiorem ad dicendum Oratorem ante eum nullum fuisse.* He praises him because he knew that it pleased the people.

16. *Censoriæ leges.*] Forbidding a Roman citizen to be a hangman, and forbidding the hangman to appear in the forum, or to have his house in the city.

patrum vestrorum, sex ex annalium monumentis, atque ex regum commentariis conquisierit: ego omnibus meis opibus, omnibus consiliis, omnibus dictis atque factis repugnarim et restiterim crudelitati? Nisi fortè hanc [a] conditionem vobis esse vultis, quam servi, si libertatis spem propositam non haberent, ferre nullo modo possent. Misera est ignominia judiciorum publicorum, misera [b] multatio bonorum, miserum exilium: sed tamen in omni calamitate retinetur aliquod vestigium libertatis; mors denique si proponitur, in libertate moriamur; carnifex vero et obductio capitis, et nomen ipsum crucis, absit, non modò à corpore civium Roman. sed etiam à cogitatione, oculis, auribus. Harum enim omnium rerum non solùm eventus, atque perpessio, sed etiam conditio, expectatio, [c] mentio ipsa denique, indigna cive Romano atque homine libero est. An vero servos nostros horum suppliciorum omnium metu, dominorum benignitas unâ vindictâ liberabit: nos à verberibus, ab unco, à crucis denique terrore, neque res gestæ, neque acta ætas, neque nostri [d] honores vindicabunt? Quamobrem fateor, atque etiam, T. Labiene, profiteor et [e] præ me fero, te ex illâ crudeli, importunâ, non tribunitiâ actione, sed Regiâ, meo consilio, [f] virtute, auctoritate esse depulsum. Quâ tu in actione, quanquam omnia exempla Majorum, omnes leges, omnem auctoritatem Senatûs, omnes religiones atque auspiciorum publica jura neglexisti: tamen à me hæc in hoc tam exiguo meo tempore non audies: liberum tempus nobis dabitur ad istam disceptationem. Nunc de Saturnini crime ac de clarissimi patrui tui morte dicemus.

CONFIRMATIO.

In quâ duas affert rationes Cicero; primam, Rabirius non occidit Saturninum: secundam, Rabirius jure sumpsit arma contra Saturninum.

IV. Arguis occisum esse à C. Rabirio L. Saturninum: et id C. Rabirius multorum testimoniis, Q. Hortensio copiosissimè defen-

a *hanc sortem.* b *publicatio.* c *cogitatio.*
d *magistratus.* e *non dissimulo.* f *fortitudine.*

19. *Annalium monumentis.*] According to *Cic. lib.* 2. *de Orat.* The Romans, from the beginning of their state, took care to record all public transactions, appointing the high priest to write down, yearly, every thing that happened worthy of notice, that it might be retained in public remembrance. These were called annals.

Ib. *Ex regum commentariis.*] We also learn, from Livy, that the Roman kings wrote commentaries of what passed during their respective reigns.

30. *Conditio.*] That condition is miserable, in which any one so lives, that the mark of servile punishment may fall upon him.

32. *Unâ vindictâ.*] The vindicta was a rod, which the prætor or lictor laying upon the head of a servant, declared that servant free, reciting certain solemn words.

33. *Ab unco.*] This is said in relation to certain crimes, which were held in such abhorrence by the Romans, that those who were condemned on account of them, were dragged to the place of execution by a hook.

38. *Exempla Majorum.*] The ancient Romans never suffered a cross or an executioner to be brought into an assembly of the people.

Ib. *Omnes leges.*] He intends the Censorian laws, which ordered that there should be no executioner in the forum.

39. *Omnes religiones.*] When he determined that the cross should be put up in the Campus Martius, he neglected all

dente, antea falsum esse docuit. Ego autem, si mihi esset integrum, susciperem hoc crimen, agnoscerem, confiterer. Utinam hanc mihi facultatem causa concederet, ut possem hoc prædicare, C. Rabirii manu L. Saturninum hostem populi Romani interfectum. Nihil me clamor iste commovet, sed consolatur; cum indicat esse quosdam cives imperitos, sed non multos. Nunquam, mihi credite, pop. Rom. hic, qui silet Consulem me fecisset, si vestro clamore perturbatum iri arbitraretur. Quanto jam levior est acclamatio! quin continetis vocem, indicem stultitiæ vestræ, testem paucitatis? Libenter, inquam, confiterer, si verè possem, aut etiam si mihi usset integrum, C. Rabirii manu L. Saturnium esse occisum: et id facinus pulcherimum esse arbitrarer: sed quoniam id facere non possum, confitebor id, quod ad laudem minus valebit, ad crimen non minus. Confiteor interficiendi Saturnini causâ C. Rabirium arma cepisse. Quid est, Labiene? quam à me graviorem confessionem, aut quod in hunc majus crimen expectas? nisi vero interesse aliquid putas inter eum qui hominem occîdit, et eum qui cum telo occidendi hominis causa fuit. Si interfici Saturninum nefas fuit, arma sumpta esse contra Saturninum sine scelere non possunt; si arma jure sumpta concedis, interfectum jure concedas necesse est.

Paucula quædam deesse videntur.

V. FIT S. C. ut C. Marius, L. Valerius Consules adhiberent Tribunos-plebis et Prætores, [a] quos eis videretur: operamque darent, ut imperium populi Rom. majestasque conservaretur: adhibent omnes Tribunos-plebis, præter Saturninum, Prætores, præter Glauciam: qui rempublicam salvam esse vellent, arma capere, et se sequi jubent. Parent omnes: ex ædificiis armamentariisque publicis arma populo Romano, C. Mario Consule distribuente, dantur. Hìc jam, ut omittam cætera, de te ipso, Labiene, quæro: cùm Saturninus Capitolium teneret armatus, esset unà C. Glaucia, C. Saufeius, etiam ille ex compedibus atque ergastulo, Gracchus: addam (quoniam ita vis) [b] eodem C. Labienum patruum tuum: in foro autem C. Marius, et L. Valerius Flaccus Coss. post cunctus Senatus, atque ille Senatus, quem etiam vos ipsi, qui hos P. conscriptos, qui nunc sunt, in invidiam

a *quos placeret sibi.* b *ad hos.*

religious ceremonies, and the omens which had been observed in the heavens, and declared by Labienus to be unpropitious.

4. *Susciperem hoc crimen.*] This crime, though it had not been committed by Rabirius, yet he says, of his own accord, that it had been committed by him, inasmuch as that which was done in the defence of the republic was not a crime.

7. *Clamor iste.*] When any thing was said by the magistrates, in the assemblies, which pleased the people, it was received with acclamations, but if it displeased them, they made a murmuring hissing noise.

11. *Libenter, inquam.*] He repeats his declaration.

15. *Ad laudem minus valebit.*] Rabirius was less to be praised for taking up arms against Saturninus, than if he had killed him.

1. *Fit S. C.*] He speaks of a decree of the Senate, by which he proves that arms were taken up according to law. That decree provided, that the consuls should see that the republic sustained no injury.

4. *Glauciam.*] Glaucia was a most base and trifling man, and was Prætor, according to Livy.

8. *De te, Labiene.*] He shows, that Rabirius should have taken arms as he did; and not lie concealed at home, or occupy the capital with Saturninus, who seized it after he was driven from the forum.

10. *Gracchus.*] This man pretended

vocatis, quò faciliùs de hoc Senatu detrahere possitis, laudare consuevistis: tum equester ordo: at quorum equitum Roman. dii immortales! patrum nostrorum atque ejus ætatis, quæ tunc magnam partem reipub. atque omnem dignitatem judiciorum tenebat: cùm omnes omnium ordinum homines, qui in salute reipub. salutem suam repositam esse arbitrabantur, arma cepissent; quid tandem C. Rabirio faciendum fuit? De te ipso, inquam, Labiene, quæro: cùm ad arma Consules ex S. C. vocavissent: cùm armatus M. Æmilius, princeps Senatûs in comitio constitisset, qui, cùm ingredi vix posset, non ad insequendum sibi tarditatem pedum, sed ad fugiendum impedimento fore putabat: cùm denique Q. Scævola confectus senectute, præpeditus morbo, mancus et membris omnibus captus ac debilis, hastili nixus, et animi vim et infirmitatem corporis ostenderet: cùm L. Metellus, Ser. Galba, C. Serranus, P. Rutilius, C. Fimbria, Q. Catulus, omnesque qui tum erant Consulares, pro salute communi arma cepissent; cùm omnes Prætores, cuncta nobilitas, ac juventus accurreret, Cn. et L. Domitius, L. Crassus, Q. Mucius, C. Claudius, M. Drusus; cùm omnes Octavii, Metelli, Julii, Cassii Catones, Pompeii: cùm L. Philippus, L. Scipio; cùm M. Lepidus, cùm D. Brutus; cùm hic ipse P. Servilius quo tu imperatore, Labiene, [a] meruisti; cum hic Q. Catulus admodum tum adolescens; cùm hic Q. Curio; cùm denique omnes clarissimi viri cum Consulibus essent: quid tandem C. Rabirium facere convenit? utrum inclusum atque abditum latere in occulto, atque ignaviam suam tenebrarum ac parietum custodiis tegere? an in Capitolium pergere, atque ibi se cum tuo patruo et cæteris ad mortem propter vitæ turpitudinem confugientibus congregare? an cum Mario, Scauro, Catulo, Metello, Scævola, cum bonis denique omni-

a *militâsti.*

that he was the son of Gracchus, in order to ingratiate himself with the people, with whom the family of the Gracchii had great influence. He took up arms with Saturninus and others.

17. *Omnem dignitatem judiciorum.*] By the law of Gracchus the Equestrian order administered justice, which authority was afterwards given by Sylla to the Senators. But, at last, Aurelius Cotta procured, by law, that the knights and tribunes of the treasury should judge with the Senators.

21. *M. Æmilius.*] M. Æmilius Scaurus, whose steadiness and sound judgment Cicero often praises, was of a patrician family, much reduced in circumstances. When he saw a sedition raised in the city, by Saturninus and others, he exhorted Marius, then consul the sixth time, to defend the liberty of the republic; and appeared himself, though, in extreme old age, armed, and leaning upon his spear, before the door of the Senate house.

22. *Ingredi.*] He could scarcely walk, on account of his age.

Ib. *Ad insequendum.*] He supposed that the difficulty with which he moved would be an impediment to him, not in escaping, but in pursuing these seditious citizens.

24. *Q. Scævola.*] This Scævola had been consul with L. Metellus Dalmaticus.

Ib. *Præpeditus morbo.*] He laboured under a disease of the feet, or the gout.

26. *L. Metellus.*] He was called Dalmaticus, and was consul in the year of the city 636; he was also censor, and was celebrated for the Dalmatic triumph.

27. *Galba.*] Galba was consul with M. Æmilius Scaurus, from whose family six or seven consuls sprung.

31. *Metelli.*] Q. Metellus Nepos was consul with T. Didius, in the year 655: he was called Nepos, because he had squandered his estate.

33. *P. Servilius.*] Servilius, who was afterwards called Isauricus, for having taken the city Isauria, in Cilicia, was consul with Appius Pulchrus.

Ib. *Imperatore.*] When he carried on the war in Cilicia, he first entered the city, for which he obtained a triumph, and the name Isauricus.

34. *C. Curio.*] The Father of that Curio, who, fighting in the civil war for Cæsar, perished in Africa.

bus coire non modò salutis verum etiam periculi societatem? Tu denique, Labiene, quid faceres tali in re ac tempore? cùm ignaviæ ratio te in fugam, atque in latebras impelleret: improbitas et furor Lucii Saturnini in Capitolium [b] arcesseret: Consules ad patriæ salutem ac libertatem vocarent: quam tandem auctoritatem, quam vocem, cujus sectam sequi, cujus imperio parere potissimùm velles? Patruus, inquit, meus cum Saturnino fuit. Quid? pater quîcum? quid? propinqui vestri, Equites Romani? quid? omnis præfectura, regio, vicinitas vestra? quid? ager Picenus universus, utrùm Tribunitium furorem, an Consularem auctoritatem secutus est?

VI. Equidem hoc affirmo, quod tu nunc de tuo patruo prædicas, neminem unquam adhuc de sese confessum. Nemo est, inquam, inventus tam profligatus, tam perditus, tam ab omni non modò honestate, sed etiam simulatione honestatis relictus, qui se in Capitolio fuisse cum Saturnino fateretur. At fuit vester patruus, fuerit; et fuerit nullâ desperatione rerum suarum, nullis domesticis [b] vulneribus coactus: induxerit eum L. Saturnini familiaritas, ut amicitiam patriæ præponeret: idcirco-ne oportuit C. Rabirium desciscere à republicâ; non comparere in illâ armatâ multitudine bonorum? Consulum voci atque imperio non obedire? Atqui videmus, hæc in rerum naturâ tria fuisse, ut aut cum Saturnino esset, aut cum bonis, aut lateret. Latere, mortis erat [c] instar turpissimæ: cum Saturnino esse, furoris et sceleris: virtus et honestas, et pudor cum Consulibus esse cogebat. Hoc tu igitur in crimen vocas, quòd cum iis fuerit C. Rabirius, quos, amentissimus fuisset, si oppugnasset; turpissimus, si reliquisset? At C. Decianus, de quo tu sæpe commemoras, quia, cùm hominem omnibus insignem notis turpitudinis P. Furium accusaret, summo studio bonorum omnium, queri est ausus in concione de morte Saturnini, condemnatus est: et Sextus Titius, quòd habuit imaginem L. Saturnini domi suæ, condemnatus est. Statuerunt Equites Romani illo [d] judicio, improbum civem esse, et non retinendum in civitate, qui hominis hostilem in modum seditiosi imagine aut mortem ejus honestaret, aut desideria imperitorum misericordiâ commoveret, aut suam significaret imitandæ improbitatis voluntatem. Itaque mihi mirum videtur, unde hanc tu, Labiene, imaginem quam habes, inveneris: nam Sex. Titio damnato, qui istam habere auderet, inventus est nemo. Quod tu si audisses, aut si per ætatem scire potuisses, nunquam profectò istam

a *vocaret.* b *incommodis.* c *imago.* d *consensu.*

47. *Quid? pater.*] He here appears to say, that the Father of Labienus was not with the seditious party, but with the consuls.

48. *Omnes præfectura.*] Those cities were called *præfectura* in Italy, in which courts were converted, and markets held. Præfects were annually sent to them to give authority to the laws.

49. *Ager Picenus.*] The fifth region of Italy, beyond the Appenines, extending from the mountains to the Adriatic sea.

6. *Nullâ desperatione rerum.*] They who were in debt, generally followed the seditious.

15. *At C. Decianus.*] He here intimates that Decianus, was more justly chargeable with treason than Rabirius; for Decianus was condemned for only bemoaning the fate of Saturninus, when he defended Furius.

19. *Sextus Titius.*] A man of eloquence and penetration, as Cicero says, who, though innocent and extremely popular, on account of the Agrarian law, was nevertheless condemned for having a picture of Saturninus in his house.

23. *Imperitorum.*] That is the unskilful multitude, who were easily led about in these matters.

27. *Istam imaginem.*] Labienus had showed a picture of L. Saturninus in the

imaginem, quæ domi posita [a] pestem atque exilium Sex. Titio attulisset, in rostra, atque in concionem attulisses, nec tuas unquam rationes ad eos scopulos appulisses, ad quos Sex. Titii afflictam navem, et in quibus C. Deciani naufragium fortunarum videres. Sed in his rebus omnibus imprudentiâ [b] laberis: causam enim suscepisti antiquiorem memoriâ tuâ: quæ causa ante mortua est, quàm tu natus esses; quâ in causâ tute profectò fuisses, si per ætatem esse potuisses, eam causam in judicium vocas. An non intelligis, primùm quos homines, et quales viros mortuos summi sceleris arguas? deinde quot ex iis qui vivunt, eodem crimine in summum capitis periculum arcessas? Nam si C. Rabirius [c] fraudem capitalem admisit, quòd arma contra L. Saturninum tulit: huic quidem afferret aliquam deprecationem periculi ætas illa, quâ tum fuit: Q. verò Catulum patrem hujus, in quo summa sapientia, eximia virtus, singularis humanitas fuit; M. Scaurum, illâ gravitate, illo consilio, illâ prudentiâ, duos Mucios, L. Crassum, M. Antonium, qui tum extra urbem cum præsidio fuit; quorum in hac civitate longe maxima consilia atque ingenia fuerunt; cæteros pari dignitate præditos, custodes, gubernatoresque reipub. quemadmodum mortuos defendemus? Quid de illis honestissimis viris, atque optimis civibus, equitibus Rom. dicemus, qui tum unà cum Senatus salutem reipub. defenderunt? quid de tribunis ærariis, cæterorumque ordinum omnium hominibus, qui tum arma pro communi libertate ceperunt? Sed quid ego de iis omnibus, qui Consulari imperio paruerunt, loquor? de ipsorum Coss. famâ quid futurum est? L. Flaccum hominem cùm semper in repub. tum in Magistratibus gerendis, in sacerdotio cæremoniisque quibus præerat diligentissimum, nefarii sceleris ac parricidi mortuum condemnabimus? adjungemus ad hanc labem ignominiamque mortis etiam C. Marii nomen? C. Marium, quem verè patrem patriæ, parentem, inquam, vestræ libertatis atque hujusce reip. possumus dicere, sceleris ac parricidii nefarii mortuum condemnabimus? Etenim si C. Rabirio, quòd iit ad arma, crucem T. Labienus in campo Martio defigendam putavit; quod tandem excogitabitur in eum supplicium, qui vocavit? Ac, si fides Saturnino data est, quod abs te sæpissimè dicitur; non eam C. Rabirius, sed C. Marius dedit, idemque violavit, si in fide non stetit.

a *calamitatem et condemnationem.* b *cadis sensim.* c *crimen.*

assembly, which was either the one that Titius had, or another very much like it.

29. *In rostra.*] Where this cause was tried.

Ib. *Tuas rationes.*] With which you would impel the Roman people to destroy Rabirius.

30. *Afflictam navem.*] By *navem* he intends the family and house, a metaphor taken from a ship and shipwreck.

32. *Antiquiorem memoriâ tuâ.*] Saturninus was slain 36 years before this accusation of Rabirius. But Lubienus was a young man, having been made tribune at the age of 20.

40. *Ætas quâ tum fuit.*] Rabirius was then a young man.

42. *Duos Mucios.*] Scævola, who was both priest and augur.

48. *Tribunis ærariis.*] The military money was entrusted to the tribunes of the treasury.

56. *Marium.*] Cicero here calls Marius the father of his country, on account of the victory which he had obtained over the Cimbri.

57. *Vestræ liberatatis.*] This Marius had defended the liberty of his country against Sylla.

60. *Qui vocavit.*] To arms.

61. *Si fides Saturnino.*] Saturninus having retired to the Capitol, Marius invested it, and the sooner to overcome him, ordered the water pipes to be cut. He

Quæ fides, Labiene, quî potuit sine Senatus consulto dari? adeo-ne hospes hujusce urbis, adeo-ne ignarus es disciplinæ consuetudinisque nostræ, ut hæc nescias? ut peregrinari in alienâ civitate; non in tuâ Magistratum gerere videare? Quid jam ista C. Mario, inquit, nocere possunt, quoniam sensu et vitâ caret? Ita ne verò? tantis in laboribus, C. Marius, periculisque vixisset, si nihil longius, quàm vitæ termini postulabant, spe atque animo de se et gloriâ suâ cogitasset? At credo, cùm innumerabiles hostium copias in Italia fudisset, atque obsidione rempub. liberasset, omnia sua secum unâ moritura arbitrabatur. Non est ita, Quirites; neque quisquam nostrûm in reipub. periculis cum laude ac virtute versatur, quin [a] spe posteritatis fructuque ducatur. Itaque cùm multis aliis de causis, virorum bonorum mentes divinæ mihi, atque æternæ videntur esse, tum maximè quòd optimi et sapientissimi cujusque animus ita præsentit in posterum, ut nihil, nisi sempiternum spectare videatur. Quapropter equidem et C. Marii, et cæterorum virorum sapientissimorum, ac fortissimorum civium mentes, quæ mihi videntur ex hominum vitâ ad deorum [b] religionem et sanctimoniam demigrasse, testor, me pro illorum famâ, gloriâ, memoriâ, non secus ac pro patriis fanis atque delubris propugnandum putare: ac, si pro illorum laude mihi arma capienda essent, non minus strenuè caperem, quàm illi pro communî salute ceperunt. Etenim Quirites, exiguum nobis vitæ curriculum natura circumscripsit, immensum gloriæ. Quare si eos, qui jam de vitâ decesserunt, [c] ornabimus; justiorem nobis mortis conditionem relinquemus. Sed si illos, Labiene, quos jam videre non possumus, negligis; ne his quidem, quos vides, consuli, putas oportere? neminem esse dico ex iis omnibus qui illo die Romæ fuerint, quem tu diem in judicium vocas, pubesque tum fuerit, quin arma ceperit, quin Consules secutus sit; omnes ii, quorum tu ex ætate conjecturam facere potes, quid tum fecerint, abs te rei capitis, C. Rabirii nomine,

a *tangatur sensu posteritatis.* b *accessisse ad numerum deorum.* c *laudabimus.*

consequently was soon compelled, by want of water, to surrender himself to Marius, who promised him a fair trial. For this purpose he was shut up in the Senate-house, but the people forcibly breaking in, massacred both him and his companions.

63. *Sine Senatus consulto dari.*] Labienus reproves Marius because he had not kept his promise made to Saturninus. Cicero answers, that this was not a public promise, and was null without the consent of the Senate.

66. *Quid jam ista.*] It began to be a prevailing notion at that time, that death was the annihilation of man; and that neither honour nor disgrace reached beyond the grave. Cicero here declares himself an enemy to these principles, which were first publicly maintained by Epicurus, and found but too many favourers among the Greeks and Romans.

70. *Innumerabiles.*] Eutropius lib. 5. says, that Marius slew three hundred and forty thousand of the Cimbri, Teutones, and Ambrones.

76. *Præsentit.*] The mind is influenced by the foresight and hope of posterity.

79. *Ad Deorum religionem.*] The Romans worshipped not only the Gods, that were called heavenly, but those persons who, by their virtue had exalted themselves to heaven. Whence Cicero says, the souls of all men are immortal, but those of the brave and good are divine.

86. *Mortis conditionem.*] He asserts, if they who died before we were born are celebrated by us, that they who live after us will load us with honours; but it will be otherwise if we have done an injury to the memory of the former.

90. *Pubes.*] When this word is taken as a substantive, it properly signifies that down which covers the cheek at the age of 14; when as an adjective, it signifies him who has arrived at that age, so pro Milo. *omnium Italiæ pubem comiserat.*

citantur. At occîdit Saturninum Rabirius; utinam fecisset; non [a] supplicium deprecarer, sed præmium postularem. Etenim si Scævæ, servo Q. Crotonis quî occidit L. Saturninum, libertas data est; quod Equiti Rom. præmium dari par fuisset? et, si C. Marius, quòd fistulas, quibus aqua suppeditabatur Jovis Optimi Maximi templis ac sedibus, præcidi imperarat, quòd in clivo Capitolino improborum civium — — — —

Desunt, ut videtur, non pauca.

a *precarer ut parceretur ei.*

97. *Aqua suppeditabatur.*] The river Anio was first led into the Capitol in the year of the city 627, by Cneus Servilius Cæpio, and L. Cassius Longinus, the censors. *Vide Front. de aquæduc.*

ORATIO PRIMA

IN

L. CATILINAM,

HABITA IN SENATU.

THE circumstances that led to the delivery of this oration were the following: Cataline and the other conspirators had met in the house of M. Lecca, where it was resolved that a general insurrection should be raised through Italy, each part of which should have a leader assigned to it respectively; that Cataline should put himself at the head of the troops in Etruria; that Rome should be set on fire in different places at once; that the Senate, and all opposed to the conspiracy, should be put to the sword, except the sons of Pompey, who were to be kept, in order to secure their father's co-operation; that Cataline should avail himself of the public consternation, to make himself master of the city. But the vigilance of Cicero being the chief obstacle to their hopes, Cataline was anxious to see him taken off before he left the city; upon which C. Cornelius and L. Vargunteius undertook to kill him, the next morning, in bed. This meeting was no sooner over, than Cicero had information of all that passed in it, by means of a woman, named Fulvia, who, by her intrigues, obtained from her paramour, Curius, one of the conspirators, a full account of all that had taken place. This information was immediately communicated to some of the principal men in the city, who were then at Cicero's house. Cicero, not only informed them of the design, but named the men who were to execute it, and the very hour at which they would be at his gate, all of which took place exactly as he had stated. The next day he summoned the Senate to the Temple of Jupiter Stator, where it was not usually held, except in times of great public alarm. Cataline, the better to conceal his intentions, came with the rest, as if ignorant of all that had taken place, which so shocked the assembly, that none, even of his acquaintance, dared to salute him; and the consular senators quitting the part of the house in which he sat, left the whole bench to himself. Cicero was so incensed by his presence, that leaving the business he had intended to enter upon, and addressing himself to Cataline, he broke out into the present invective against him, and with all the force of incensed eloquence, laid open the whole course of his villanies, and the notariety of his crimes. This oration was delivered on the 8th of November, A. U. C. 690, and in the 44th year of Cicero's age.

EXORDIUM.

Abruptum est et inflammatum à Catalinæ præsentiâ et audaciâ.

CONTENTIO.

Hanc facit quasi propositionem. Catilina debet ex urbe discedere vel in exilium, vel in castra Manlii, non jam interfici: 1. *quia patet conjuratio, et totius vitæ ratio:* 2. *quia Catilinæ optandum esse debet ad castra Manlii proficisci:* 3. *quia Reipublicæ utile est eum non interfici.*

I. QUOUSQUE tandem abutêre, Catilina, [a] patientiâ nostrâ? quamdiu etiam furor iste tuus nos eludet? [b] quem ad finem

INTERPRETATIO.

a *tolerantiâ.* b *quo usque.*

NOTES.

1. *Quousque.*] The exordium of this oration is animated and abrupt, expressive alike of his love for the republic, and his indignation against Cataline, because, after plotting so outrageously against his country, he dared to come into the Senate.

sese effrenata jactabit audacia? nihil-ne te nocturnum præsidium palatii, nihil urbis vigiliæ, nihil timor populi, nihil consensus bonorum omnium, nihil hic munitissimus habendi senatûs locus, nihil horum ora vultusque moverunt? patere tua consilia non sentis? constrictam jam omnium horum [a] conscientiâ teneri conjurationem tuam non vides? quid proximâ, quid superiore nocte egeris, ubi fueris, quos convocaveris, quid consilii ceperis, quem nostrum ignorare arbitraris? O tempora! ô mores! Senatus hæc intelligit, consul videt: hic tamen vivit. Vivit? imò verò etiam in Senatum venit; fit publici consilii particeps: notat et designat oculis ad cædem unumquemque nostrum. Nos autem viri fortes satisfacere reipublicæ videmur, si istius furorem ac tela vitemus. Ad mortem te, Catilina, duci jussu consulis jampridem oportebat: in te conferri pestem istam, quam tu in nos omnes jamdiu machinaris. An verò vir amplissimus, P. Scipio, pontifex maximus, Tib. Gracchum mediocriter labefactantem statum reipublicæ privatus interfecit: Catilinam verò orbem terræ cæde atque incendiis vastare cupientem nos consules perferemus? nam illa nimis antiqua prætereo, quod Q. Servilius Ahala Sp. Melium [b] novis rebus

a *scientiâ*, b *affectantem regnum*.

3. *Palatii.*] The *Palatium* was so called from Mount Palatine, where Evander and Romulus dwelt. It was the citadel in which, when any tumult arose, a guard was immediately placed, because from that point it was easy to command the whole city.

4. *Urbis vigiliæ.*] Sallust relates, that after the discovery of the conspiracy, the Senate decreed that patroles, commanded by the inferior magistrates, should be placed through all the city.

Ib. *Nihil consensus.*] In many copies it is written *conventus*. But the meaning of both the words is the same, for all good men *consentiunt et conveniunt* to defend the commonwealth against the fury of Cataline.

5. *Munitissimus.*] It was well fortified, for the purpose of holding the Senate, which had convened in the capitol, in the temple of Jupiter Stator, and not in the senate chamber.

Ib. *Horum ora vultusque moverunt.*] He should have feared the Senators, and not have so rashly come into their presence; for they were so indignant at Cataline, that no one saluted him as he came into the Senate chamber, but all left the seats on that part of the house, on which he sat, that they might not sit with the enemy of their country.

6. *Constrictam.*] That is, your conspiracy is so manifest to all, that it can escape no one entirely. A metaphor taken from a beast, caught and thrown down in the toils.

8. *Quid proximâ nocte.*] Cataline had met with the other conspirators, in the house of M. Porcius Lecca.

Ib. *Superior nocte.*] On the night before the last.

Ib. *Convocaveris.*] He had assembled the accomplices of his sedition to deliberate about killing Cicero, and making war upon their country.

11. *Fit publici consilii particeps.*] Cicero endeavours to increase their indignation, because Cataline had not come into the Senate to inquire or seek for any thing, but to participate in the counsels which the Senate might take.

13. *Nos autem viri fortes.*] This is wrong, for Cataline should have been long since slain by us.

14. *Ad mortem.*] A proposition, in which he affirms, that Cataline should be put to death, for an example to others.

16. *An verò.*] An argument by comparison, from the less to the greater.

Ib. *P. Scipio.*] Scipio Nasica, who, according to Livy, lib. 49. was judged by the Senate, to be one of the best men, he was the son of Scipio the Censor, who built a portico in the Capitol.

17. *Tib. Gracchum.*] Tiberius Gracchus, by his liberality in giving away his corn, excited suspicion against himself of aspiring to the kingdom, and was slain by Scipio.

18. *Privatus.*] He is called a private person, who has no command, such as the Priests, common criers, and other inferior magistrates. Vide Arist. 4. Polit.

20. *Servilius Ahala.*] When the Roman people were hard pressed by famine, and Sp. Melius distributed corn among them, he was suspected of aspiring after the kingdom. Servilius, a master of horse, with the power of Dictator, slew him for

studentem manu sua occidit. Fuit, fuit ista quondam in hac republica virtus, ut viri fortes acrioribus suppliciis civem perniciosum, quàm acerbissimum hostem coërcerent. Habemus enim senatus consultum in te, Catilina, [a] vehemens et grave: non deest reipublicæ consilium, neque auctoritas hujus ordinis; nos, nos, dico apertè consules desumus. Decrevit quondam Senatus, ut L. Opimius Cos. videret, ne quid respublica detrimenti caperet: [b] nox nulla intercessit; interfectus est propter quasdam seditionum suspiciones C. Gracchus, clarissimo patre natus, avis, Majoribus: occisus est cum liberis M. Fulvius, consularis. Simili senatusconsulto, C. Mario et L Valerio Coss. permissa est respub. num unum diem postea L. Saturninum tribunum pleb. et C. Servilium Prætorem [c] mors ac reipub. pœna remorata est? At nos vigesimum jam diem patimur hebescere aciem horum auctoritatis; habemus enim hujusmodi senatusconsultum, verumtamen inclusum in tabulis, tanquam gladium in vagina reconditum: quo ex senatusconsulto confestim interfectum te esse, Catilina, convenit. Vivis, et vivis non ad deponendam, sed ad confirmandam audaciam.

II. Cupio, P. C. me esse clementem: cupio in tantis reipublicæ periculis non [d] dissolutum videri; sed jam me ipsum inertiæ nequiti-

a *urgens et severum?* b *eodem ipso die?*
c *nunquid interfecti sunt in eodem die?* d *negligentem.*

not obeying his summons to answer the accusations brought against him, in the year of the city 315. *Vide Livium, lib.* 4.

23. *Senatus consultum.*] The executive power of the Consuls was very limited, and it was their general practice to apply to the senate for instructions how to proceed. In extraordinary cases, however, to prevent delay, the Senate passed a decree requiring the consuls to take care that the commonwealth received no detriment. By this decree, they were invested with power to do whatever they thought most conducive to the public interest; a power not unlike that of the Dictator. Cataline and his accomplices might therefore have been seized and brought to trial at once; but Cicero, from the circumstances of the case, thought it best to pursue a milder course by advising them to leave the city before any active measures should be taken against them.

26. *L. Opimius.*] L. Opimius was consul with Q. Fabius Maximus, in the year of the city 633.

28. *C. Gracchus.*] C. Gracchus was the son of T. Sempronius Gracchus, who was twice consul, and triumphed over the Celtebrians.

29. *Avis Majoribus.*] The Gracchi were one of the most illustrious of the Roman families.

Ib. *M. Fulvius.*] M. Fulvius, though formerly a Consul, joined with C. Gracchus in his attempt to divide the lands, and was named one of the three commissioners appointed for that purpose. They went on for some time, carrying every thing before them in the assemblies of the people, in spite of the Senate and all the nobility. But one of the Consul's lictors being killed by some of the attendants of Gracchus, the Senate gave Opimius full power to do as he thought best for the good of the state. The Consul commanded all the nobility, with their clients, to appear in arms the next morning in the forum, from whence he marched to attack Gracchus and Fulvius, who had assembled several thousands of the lower rank on the Aventine mount, both of whom, together with three thousand of their followers, were slain in the encounter that ensued. A.U.C. 631.

31. *L. Saturninum et C. Servilium Prætorem.*] These two having killed a Senator in a tumult, were declared enemies by the Senate, which commanded Marius to bring them to justice. The consul, armed with dictatorial power, attacked them in the capitol, and obliged them, with all their followers, to surrender, after which they were stoned by the mob before they were brought to a trial, in the year 634.

33. *Vigesimum jam diem.*] Cicero complains that they were slain on the very day on which the decree was given, and that a like decree was passed against Cataline twenty days before, and yet he was still alive.

æque condemno. Castra sunt in Italia contra rempubl. in Etruriæ [a] faucibus collocata: crescit in dies singulos hostium numerus: eorum autem imperatorem castrorum ducemque hostium intra mœnia, atque adeo in Senatu videmus, intestinam aliquam quotidie perniciem reipublicæ [b] molientem. Si te jam, Catilina, comprehendi, si interfici jussero, credo, erit verendum mihi, ne non hoc potius omnes boni serius à me, quàm quisquam crudelius factum esse dicant. Verum ego hoc, quod jampridem factum esse oportuit, certâ de causâ nondum adducor, ut faciam; tum denique interficiere, cum jam nemo tam improbus, tam perditus, tam tui similis inveniri poterit, qui id non jure factum esse fateatur. Quamdiu quisquam erit, qui te defendere audeat, vives: et vives ita, ut nunc vivis, multis meis et firmis præsidiis obsessus, ne commovere te contra rempublicam possis; multorum te etiam oculi et aures non [c] sentientem, sicut adhuc fecerunt, [d] speculabuntur atque custodient. Etenim quid est, Catilina, quod jam amplius expectes, si neque nox tenebris obscurare cœtus nefarios, nec privata domus parietibus continere voces conjurationis tuæ potest? si [e] illustrantur, si erumpunt omnia? muta jam istam mentem: mihi crede: obliviscere cædis, atque incendiorum; teneris undique: luce sunt clariora nobis tua consilia omnia, quæ etiam mecum licet recognoscas. Meministine, me ante diem XII. Kalend. Novemb. dicere in senatu, certo die fore in armis, qui dies futurus esset in ante diem VIII. Kal. Novemb. C. Manlium audaciæ satellitem atque administrum tuæ? num me fefellit, Catilina, non modò res tanta, tam atrox, tam incredibilis, verum id quod multo magis est admirandum, dies? Dixi ego idem in Senatu, cædem te optimatum [f] contulisse in ante diem V. Kal. No-

a *aditu*. b *parantem*. c *cogitantem*. d *observabunt*.
e *declarantur et patefiunt*. f *destinâsse*.

3. *Castra sunt.*] Cn. Manilius had an army at Fæsuli, near Florentia, which he had collected from the old soldiers of Sylla, in whose camp he had served.

4. *Eorum imperatorem.*] Cataline, the commander of the army.

8. *Credo, erit.*] An ironical expression, often used by Cicero.

Ib. *Omnes boni.*] By good men, he means the sincere lovers of their country, who sought its welfare. The meaning, therefore, is, should I order him to be put to death, no good citizen would charge me with cruelty, but would rather say that I should have done it sooner.

24. *Ante diem XII. Kal.*] In Priscianus, lib. 18. it is read *tertium et tertio Kal. vel. Kalendarum*, which belongs to that day which was to be the first of the assembly of the consular *comitia*. But, when Cicero, on the preceding day, had made known to the Senate the designs of Cataline, it was decreed that the *comitia* should not be held on the last day, that the Senate might deliberate concerning these things, otherwise the Senate could not meet on that day. On the following day, therefore, as Plutarch says, the very day of the *comitia*, Cicero, in full Senate, attacks Cataline. On which occasion it was decreed, that the consuls should take care that the republic received no injury. Since, therefore, Asconius says, that this oration was spoken on the eighteenth day after the republic was committed to the care of the consuls, it will appear, that it was, in reality, spoken on the sixth preceding the ides of November.

27. *Num me fefellit.*] Cicero here intimates to Cataline, that he was perfectly acquainted with all his designs. But, according to Sallust, he received his intelligence from Fulvia, whom Curius, a conspirator, of Senatorial rank, loved, and to whom he had disclosed all the counsels of the conspiracy.

29. *Ante diem.*] That is, on the day before that on which the *comitia* were to assemble, nevertheless, Sallust says, *C. Manlium arma cum multitudine ante sextum diem.*

vembris, tum, cùm multi principes civitatis Româ, non tam sui conservandi, quàm tuorum consiliorum reprimendorum causâ, profugerunt. Num inficiari potes, te illo ipso die meis præsidiis, mea diligentiâ circumclusum, commovere te contra rempublicam non potuisse, cùm tu discessu cæterorum, nostrâ tamen, qui remansissemus, cæde contentum te esse dicebas. Quîd? cùm te Præneste Kalend. ipsis Novemb. occupaturum nocturno impetu esse confideres; sensistine illam coloniam meo jussu, meis præsidiis, custodiis, vigiliisque esse munitam? nihil agis, nihil moliris, nihil cogitas, quod ego non modò audiam, sed etiam videam, planeque sentiam. Recognosce tandem mecum illam superiorem noctem; jam intelliges multo me vigilare acrius ad salutem, quàm te ad perniciem reipublicæ. Dico te priori nocte venisse inter Falcarios (non agam obscurè) in M. Leccæ domum: convenisse eodem complures ejusdem amentiæ scelerisque socios; num negare audes? quid taces? convincam, si negas; video enim esse hìc in Senatu quosdam, qui tecum unâ fuere. O dii immortales! ubinam gentium sumus? quam rempub. habemus? in qua urbe vivimus? hic, hic sunt, in nostro numero, P. C. in hoc orbis terræ sanctissimo, gravissimoque concilio, qui de meo, nostrumque omnium interitu, qui de hujus urbis, atque adeo orbis terrarum exitio cogitent; hosce ego video Consul, et de rep. sententiam rogo: et quos ferro trucidari oportebat, eos nondum voce vulnero. Fuisti igitur apud Leccam ea nocte, Catilina: distribuisti partes Italiæ: statuisti quo quemque proficisci placeret: delegisti quos Romæ relinqueres, quos tecum educeres: descripsisti urbis partes ad incendia: [a] confirmasti te ipsum jam esse exiturum: dixisti [b] paululum tibi esse etiam tum moræ, quòd ego viverem. Reperti sunt duo equites Romani, qui te istâ curâ liberarent, et sese illâ ipsâ nocte paulo ante lucem me in meo lectulo interfecturos pollicerentur. Hæc ego omnia, vix dum

a *affirmasti.* b *nihil te morari, nisi.*

31. *Reprimendorum causâ.*] Many of the nobility had departed from Rome, lest they should be slain with the consul by Cataline, as he had resolved. M. Crassus is said to be one of those whom Cataline had admonished by letter, that he should depart, but he brought it to Cicero.

32. *Illo ipso die.*] The fifth before the kalends of November.

34. *Remansissemus.*] Sallust says, that Cataline sent others to other places, who should make a beginning, and that he was to go to the army if they should kill Cicero.

35. *Præneste.*] A town in Italy, which Cataline attempted to seize, from which he might annoy the city.

40. *Superiorem.*] The night on which he had met with the other conspirators, in the house of Porcius Lecca, the Senator.

42. *Priori nocte.*] The second night preceding the day on which this oration was delivered.

Ib. *Inter Falcarios.*] The *Falcarii* were soldiers, who were armed with hooks. *Vide Priscianus, lib.* 8. This is by some translated the street of reapers, by others the street of armourers, for *venisse inter Falcarios* denotes the same as *venisse in locum ubi sunt Falcarii;* the word may be interpreted either way.

52. *Distribuisti partes Italiæ.*] Sallust says, that Cn. Manilius was sent to Fæsulæ Septimiis, to the country of Picenum, C. Julius to Appulia.

53. *Romæ relinqueres.*] Cataline arranged matters so, that, when he would depart from the city, Lentulus should be left, with Cassius, to attend to the conflagration, and Cethegus to the massacre.

54. *Urbis partes.*] The city had been divided into twelve parts, over the conflagration of which Statilius and Gabinius were set.

56. *Duo equites.*] According to Sallust, C. Cornelius and L. Vargunteius; but he calls Vargunteius a Senator, whereas Cicero says, that they were both knights.—Authors differ about what the names of these two knights were.

etiam cœtu vestro dimisso, comperi: domum meam majoribus præsidiis munivi, atque firmavi: exclusi eos, quos tu mane ad me salutatum miseras, cum illi ipsi venissent, quos ego jam multis viris ad me venturos id temporis esse prædixeram. Quæ cum ita sint, Catalina, perge quo cœpisti: egredere aliquando ex urbe: patent portæ, proficiscere: nimium diu te imperatorem illa tua Manliana castra desiderant; educ tecum etiam omnes tuos; si minus, quamplurimos: purga urbem: magno me metu liberabis, dummodo inter me atque te murus intersit: nobiscum versari jam diutius non potes: non feram, non patiar, non sinam. Magna diis immortalibus habenda est gratia, atque huic ipsi Jovi Statori, antiquissimo custodi hujus urbis, quòd hanc tam tetram, tam horribilem, tamque infestam reipublicæ pestem toties jam effugimus. Non est sæpius in uno homine salus summa periclitanda reipublicæ Quamdiu mihi, Consuli designato, Catilina, insidiatus es, non publico me præsidio, sed privatâ diligentiâ defendi; cum proximis Comitiis Consularibus me consulem in campo, et competitores tuos interficere voluisti, compressi tuos nefarios conatus, amicorum præsidio et copiis, nullo tumultu publicè concitato: denique quotiescumque me petiisti, per me tibi obstiti; quanquam videbam, perniciem meam cum magna calamitate reipublicæ esse conjunctam. Nunc jam apertè rempublicam universam petis; templa deorum immortalium, tecta urbis, vitam omnium civium, Italiam denique totam, ad exitium et vastitatem vocas.

III. Quare, quoniam id, quod primum, atque hujus imperii disciplinæque Majorum proprium est, facere non audeo; faciam id quod est ad [a] severitatem lenius, et ad communem salutem utilius; nam si te interfici jussero, residebit in republica reliqua conjuratorum manus: sin tu, quod te jamdudum hortor, exieris; exhaurietur ex urbe tuorum comitum magna et perniciosa sentina reipublicæ. Quid est, Catilina? num dubitas id, me imperante, facere, quod jam tuâ sponte faciebas? exire ex urbe Consul hostem jubet; interrogas me, num in exilium? non jubeo: sed, si me consulis, suadeo. Quid enim, Catilina, est, quod te jam in hac urbe delectare possit, in qua nemo est

[a] *minus severum.*

66. *Murus intersit.*] *Muri* and *mænia* are applied to public walls, *parietes* to private walls.

69. *Jovi Statori.*] The Senate was convened in the temple of Jupiter Stator. He was called Stator, because, at the request of Romulus, he had stopped the disgraceful flight of the Romans from the Sabines. *Vide Livium, lib.* 1.

70. *In uno homine.*] That man is not to be borne with any longer who has so often wished to destroy the republic, for now Cataline had formed another conspiracy.

73. *Privatâ diligentiâ.*] When Cataline had so often laid snares for Cicero, the consul elect, he never would defend himself with a public guard, lest he should appear to aspire after the government of the republic.

74. *Proximis Comitiis.*] At which, Cicero being consul, D. Salanus and L. Muræna were chosen consuls: Cataline, having been rejected on the former year, sought it this year, with L. Antony for his colleague; but he sought to put Cicero to death, because he opposed his designs.

76. *Amicorum præsidio.*] He came into the *campus* attended by a guard of friends, and covered with a coat of mail, that good citizens, seeing the danger of the consul, might be excited to his defence.

6. *Sentina.*] A metaphor, taken from a ship, in which all the water and filth flows to the sink. So, whatever dishonest and wicked persons there were in the city, they all flowed to Cataline. Quint. lib. 8. thinks this figure of Cicero's well calculated to show the foulness of the men.

[a] extra istam conjurationem perditorum hominum, qui te non metuat, nemo qui te non oderit? quæ nota domesticæ turpitudinis non [b] inusta vitæ tuæ est? quod privatarum rerum dedecus non [c] hæret infamiæ; quæ libido ab oculis, quod facinus à manibus unquam tuis, quod flagitium à toto corpore abfuit? cui tu adolescentulo, quem corruptelarum illecebris [d] irretivisses, non aut ad audaciam ferrum, aut ad libidinem facem prætulisti? quid vero? nuper, cum morte [e] superioris uxoris, novis nuptiis domum vacuum fecisses, non-ne etiam alio incredibili scelere hoc scelus cumulasti? quod ego prætermitto, et facile patior sileri, ne in hac civitate tanti facinoris immanitas aut extitisse, aut non vindicata esse videatur. Prætermitto ruinas fortunarum tuarum, quas omnes impendere tibi proximis Idibùs senties; ad illa venio, quæ non ad privatam ignominiam vitiorum tuorum, non ad domesticam tuam difficultatem ac turpitudinem: sed ad summam Reipub. atque omnium nostrûm vitam salutemque pertinent. Potest-ne tibi hæc lux, Catilina, aut hujus [f] cœli spiritus esse jucundus, cùm scias horum esse neminem, qui nesciat te pridie Kalendas Januar. Lepido et Tullo Coss. stetisse in Comitio cum telo? [g] manum, Consulum et principum civitatis interficiendorum causâ, paravisse? sceleri, ac furori tuo non mentem aliquam, aut timorem tuum, sed fortunam Reipublicæ obstitisse? Ac jam illa omitto: neque enim sunt aut obscura, aut non multa postea commissa; quoties tu me designatum, quoties me Consulem interficere conatus es? quot ego tuas [h] petitiones ita conjectas, ut vitari posse non viderentur parvâ quâdam declinatione, et, ut aiunt, corpore effugi? nihil agis, nihil assequeris, nihil moliris, quod mihi [i] latere valeat in tempore; neque tamen co-

a *exceptis tuis conjuratis.* b *infixa.* c *manet.* d *illexisses.* e *prioris.* f *respiratio aëris.* g *turbam* hominum. h *ictus* i *incognitum esse.*

12. *Domesticæ turpitudinis.*] If we credit Sallust, Plutarch, and Asconius, Cataline slew his brother and son, that he might marry Aurelia Orestilla, and finally deflowered his own daughter.

18. *Vacuam fecisses.*] He made his house empty, by killing his son, whom he had by his former wife.

Ib. *Incredibili scelere.*] He married his daughter, with whom he had committed adultery.

22. *Proximis Idibus.*] He intends the ides of November, at which time it was necessary to pay to the usurer the interest on borrowed money, whence Horace says, *Fænerator Alphius, &c. omnem relegit Idibus pecuniam, quærit Kalendis ponere.* But as at that time many were in debt, and among the first was Cataline, and none of them were able to pay their debts, Cicero thought that their goods should be seized, that their creditors might be satisfied, wherefore Cataline perceived that the ruin of his fortune was at hand.

28. *Lepido et Tullo Coss.*] In the year of the city 607. Cataline, being proved guilty of extortion by Clodius, was prohibited from running for the consulship; wherefore, being inflamed with hatred, he determined to kill the new consuls.

Ib. *In Comitio cum telo.*] It was unlawful to carry a weapon either in the Comitium, the Forum, or the Senate Chamber.

Ib. *Manum.*] He had taken, as companions in this conspiracy, Sylla, Antony, Crassus, and Julius Cæsar.

30. *Non mentem.*] Some divine influence had deterred him from his purpose, for Crassus was not present; nor did Cataline himself give the signal that he had agreed upon, by which means the thing was not accomplished, but was delayed to the nones of February.

32. *Non multa postea.*] When Antony and Cornelius Sylla, the consuls elect, suffered punishment for bribery, Torquatus and Cotta were chosen consuls in their place, whom Cataline endeavoured to kill. After this, L. Cæsar and C. Figulus were made consuls, and after them Antony and Cicero were elected.

35. *Ut aiunt.*] A proverb in use at that time. By this whole metaphor he declares, that he had often been sought after by Cataline, but that he had avoided his snares.

nari, ac velle desistis. Quoties jam tibi extorta est sica ista de manibus? quoties verò excidit casu aliquo, et elapsa est? tamen eâ carere diutiùs non potes: quæ quidem quibus abs te [a] initiata sacris ac devota sit, nescio, quòd eam necesse putas esse Consulis in corpore defigere. Nunc verò, quæ tua est ista vita? sic enim jam tecum loquar, non ut odio permotus esse videar, quo debeo; sed ut misericordiâ, quæ tibi nulla debetur. Venisti paulò antè in Senatum; quis te ex hac tanta frequentia, ex tot tuis amicis ac necessariis salutavit? si hoc post hominum memoriam contigit nemini, vocis exspectas contumeliam, cùm sis gravissimo judicio taciturnitatis oppressus? Quid, quòd adventu tuo ista subsellia vacua facta sunt? quid, quòd omnes consulares, qui [b] tibi persæpe ad cædem constituti fuerunt, simul atque assedisti, partem istam subselliorum nudam, atque inanem reliquerunt? Quo tandem animo hoc tibi ferendum putas? servi, mehercle, mei si me isto pacto metuerent, ut te metuunt omnes cives tui, domum meam relinquendam putarem: tu tibi urbem non arbitraris? et, si me meis civibus injuriâ suspectum tam graviter atque infensum viderem; carere me aspectu civium, quàm infestis oculis omnium conspici mallem: tu cùm conscientia scelerum tuorum agnoscas odium omnium justum, et jam tibi diu debitum, dubitas, quorum mentes, sensusque vulneras, eorum aspectum præsentiamque vitare? Si te parentes timerent, atque odissent tui, neque eos ullâ ratione placare posses; ut opinor, ab eorum oculis aliquò concederes: nunc te patria, quæ communis est omnium nostrûm parens, odit ac metuit; et jamdiu de te nihil judicat, nisi de [c] parricidio suo, cogitare: hujus tu neque auctoritatem verebere, neque judicium sequere, neque vim pertimesces? quæ tecum, Catilina, sic [d] agit, et quodammodo tacita loquitur: Nullum jam tot annos facinus exstitit, nisi per te: nullum flagitium sine te: tibi uni multorum civium neces, tibi vexatio direptioque sociorum impunita fuit, ac libera: tu non solùm ad negligendas leges et [e] quæstiones, verùm etiam ad evertendas, perfringendasque valuisti. Superiora illa, quanquam ferenda non fuerunt,

a *dicata.* b *à te.* c *interitu.* d *loquitur.* e *judicia.*

39. *Initiata sacris.*] That is consecrated, for the knives which were used to slay the victims, were considered as sacred, nor was it lawful to use them on common occasions. *Vide Servium in lib.* 6. *Æneid.* He says, that Cataline was so accustomed to carry a dagger, that it would seem as if he had vowed to the Gods, that he would kill the consuls with one.

46. *Judicio taciturnitatis.*] As no one saluted Cataline coming into the Senate, their silence was a tacit declaration how much he was abhorred by all.

52. *Urbem.*] He says that if his servants persecuted him with so great hatred, as the citizens did Cataline, he would immediately leave his house, from which he infers, that Cataline should leave his country.

62. *Auctoritatem verebere.*] Authority is in the hands of the magistrate, viz. one, who can propose laws, and whose sanctity every one should reverence.

Ib. *Judicium sequere.*] The same as to obey the magistrate, he commands that Cataline should leave his country.

Ib. *Neque vim pertimesces?*] If Cataline would remain in the city, he ought to fear the magistrate, who had power to apply the sword against rebellious and wicked citizens.

64 *Nullum flagitium sine te.*] He followed the example of Sylla, in that cruel prescription, in which he slew so many citizens.

65. *Direptio.*] Cataline, when Prætor, had obtained Africa, from which, when he returned to Rome, Cotta and Torquatus being consuls, he was accused of extortion, by P. Clodius, and was acquitted by the judges, whom he had corrupted with money.

tamen, ut potui, tuli: nunc verò, me totam esse in metu propter te unum: quidquid increpuerit, Catilinam timeri: nullum videri contra me consilium iniri posse, quod à tuo scelere abhorreat, non est ferendum. Quamobrem discêde, atque hunc mihi timorem eripe: si est verus, ne opprimar; sin falsus, ut tandem aliquando timere desinam. Hæc si tecum, ut dixi, patria loquatur, nonne impetrare debeat, etiamsi vim adhibere non possit? quid, quòd tu te ipse in custodiam dedisti? quid, quòd vitandæ suspiciones causâ, apud M. Lepidum te habitare velle dixisti? à quo non receptus, etiam ad me venire ausus es; atque ut domi meæ te asservarem, rogasti. Cùm à me quoque id responsum [a] tulisses, me nullo modo posse iisdem parietibus tuto esse tecum, qui magno in periculo essem, quod iisdem mœnibus contineremur; ad Q Metellum Prætorem venisti: à quo repudiatus, ad sodalem tuum, virum optimum, M. Marcellum demigrasti: quem tu videlicet et ad custodiendum te diligentissimum, et ad suspicandum sagacissimum, et ad vindicandum fortissimum fore putasti. Sed quàm longè videtur à carcere atque à vinculis abesse debere, qui seipsum jam dignum custodia judicaverit?

IV. Quæ cùm ita sint, Catilina; dubitas, si hìc emori [b] æquo animo non potes, abire in aliquas terras, et vitam istam multis suppliciis justis debitisque ereptam, fugæ solitudinique mandare? Refer, inquis, ad Senatum (id enim postulas) et, si hic ordo sibi placere decreverit, te ire in exsilium, obtemperaturum te esse dicis! Non referam id quod abhorret à meis moribus: et tamen faciam, ut intelligas quid hi de te sentiant. Egredere ex urbe, Catilina, libera rempub. metu: in exsilium, si hanc vocem exspectas, proficiscere. Quid est, Catilina? ecquid attendis? ecquid animadvertis horum silentium? patiuntur: tacent. Quid exspectas [c] auctoritatem loquentium, quorum voluntatem tacitorum perspicis? At si hoc idem huic adolescenti optimo, P. Sextio, si fortissimo viro M. Marcello dixissem, jam mihi Consuli hoc ipso in templo, jure optimo, Senatus vim et manus intulisset; de te autem, Catilina, cum quiescunt, probant; cum patiuntur, decernunt; cum tacent, clamant; neque hi solùm, quorum tibi auctoritas est videlicet cara, vita vilissima; sed etiam illi equites Rom. honestissimi, atque optimi viri, cæterique fortissimi cives, qui circumstant Senatum; quorum tu et frequentiam videre, et studia perspicere,

a *accepisses* b *quieto* c *sententiam.*

82. *Sodalem tuum.*] There were societies at Rome, which were permitted by the laws: those who attended them, according to Festus, were called Sodales *quò unà sederent, essentque.* Marcus Marcellus, was one of the companions of Cataline, for whom Cicero afterwards, spoke before Cæsar.

3. *Refer, inquis, ad, Senatum.*] No decree of the Senate had ever been made, until it was reported by the consul.

6. *Abhorret à meis moribus.*] As Cicero was a stranger to all harshness and severity, he would seem to act contrary to his nature, if he should bring a bill into the Senate against Cataline by which, without doubt, he would have been condemned, on which account he reported nothing concerning him; therefore, that which Dio says, that Cataline had left the city according to a decree of the Senate, is incorrect, because no decree could be passed, unless first reported by Cicero the consul.

10. *Tacent.*] In keeping silent they approve of his departure.

11. *Tacitorum.*] That is, although they are silent, yet by this their silence they sufficiently manifest their will.

12. *Pub. Sextius.*] Sextius was the Quæstor of Antony, the consul in that year, for whom Cicero spoke an oration.

Ib. *M. Marcello.*] That M. Marcellus whom Cicero defended.

et voces paulo antè exaudire potuisti; quorum ego vix abs te jamdiu manus ac tela contineo; eosdem facile adducam, ut te hæc, quæ jampridem vastare studes, relinquentem usque ad portas prosequantur. Quanquam quid loquor? te ut ulla res frangat? tu ut unquam te corrigas? tu ut ullam fugam [a] meditere? tu ullum ut exsilium cogites? utinam tibi istam mentem dii immortales darent! tametsi video, si meâ voce perterritus ire in exsilium animum induxeris, quanta tempestas invidiæ nobis, si minùs in præsens tempus, recenti memoriâ scelerum tuorum, at in [b] posteritatem impendeat. [c] Sed est mihi tanti, dummodo ista tua privata sit calamitas, et à reipub. periculis sejungatur. Sed tu ut vitiis tuis commoveare, ut legum pœnas pertimescas, ut temporibus reipub. [d] cedas, non est postulandum; neque enim, Catilina, is es, ut te aut pudor à turpitudine, aut metus à periculo, aut ratio à furore revocârit. Quamobrem, ut sæpe jam dixi, proficiscere: ac si mihi inimico, ut prædicas, tuo conflare vis invidiam, rectà perge in exsilium: vix feram [e] sermones hominum, si id feceris: vix [f] molem istius invidiæ, si in exsilium ieris jussu Consulis, sustinebo: sin autem servire meæ laudi et gloriæ mavis, egredere cum [g] importuna sceleratorum manu: confer te ad Manlium, concita perditos cives; secerne te à bonis; infer patriæ bellum; exsulta impio latrocino; ut à me non ejectus ad alienos, sed invitatus ad tuos isse videaris. Quanquam quid ego te invitem, à quo jam sciam esse præmissos, qui tibi ad Forum Aurelium præstolarentur armati? cum sciam pactam et constitutam esse cum Manlio diem? à quo etiam aquilam illam argenteam, quam tibi ac tuis omnibus perniciosam esse confido et funestam futuram, cui domi tuæ sacrarium scelerum tuorum constitutum fuit, sciam esse præmissam? Tu [h] ut illa diutius carere possis, quam venerari ad cædem proficiscens solebas? à cujus altaribus sæpe istam dextram impiam ad necem civium transtulisti? Ibis tandem aliquando, quo te jam pridem tua ista cupiditas effrenata ac furiosa rapiebat; neque enim tibi hæc res affert dolorem, sed quandam incredibilem voluptatem: ad hanc te amentiam natura peperit, voluntas exercuit, fortuna servavit; nunquam tu non modò

a *cogites.* b *in futurum.* c *sed non tanti facio* eam. d *accommodes te.*
e *famam.* f *onus.* g *crudeli* h *quomodo.*

20. *Quæ jampridem vastare studes.*] The republic and all Italy.

24. *Istam mentem.*] Cicero prays that the Gods would give him a desire to go into exile, for the ancients thought that the Gods were the authors of all designs.

26. *In præsens tempus.*] That is, *in præsenti tempore,* for, as Priscianus has remarked, *lib.* 8. the Latins often unite the preposition *in* with the accusative, instead of the ablative.

27. *Est mihi tanti.*] I suppose it to be of so great importance to the republic that you should leave the city, that, until that takes place, I will endure any hatred.

39. *Latrocinio.*] He calls war undertaken against one's country, robbery.

41. *Ad Forum Aurelium.*] This was a tribunal at Rome where soldiers were enlisted; there was also a town of the same name, not far from the city, whence the Aurelian way took its name, by which Cataline went to the camp of Manlius.

43. *Aquilam argenteam.*] The silver eagle was the standard of a legion, which Marius had in his army in the war with the Cimbri. But Vegetius says, that it is well known, that the eagle was the proper standard of the Roman armies; and as there were ten cohorts in every legion, the first cohort always demanded the honour of guarding the eagle.

44. *Sacrarium.*] *Sacrarium* or *sacellum* is the same, and Aquila was a little shrine, in which either a golden or a silver image of an eagle was placed, this was put upon a spear, and he who carried it, was called Eagle-bearer.

otium; sed ne bellum quidem, nisi nefarium, concupisti; nactus es ex perditis, atque ab omni non modò fortuna, verumetiam spe derelictis, conflatam improborum [a] manum; hîc tu quâ lætitiâ perfruere? quibus gaudiis exsultabis? quanta in voluptate bacchabere cùm in tanto numero tuorum neque audies virum bonum quemquam, neque videbis? Ad hujus vitæ studium [b] meditati illi sunt, [c] qui feruntur, labores tui: jacere humi non modò ad obsidendum stuprum, verumetiam ad facinus obeundum: vigilare non solùm ad insidiandum somno maritorum, verumetiam bonis occisorum. Habes ubi ostentes illam præclaram tuam patientiam famis, frigoris, inopiæ rerum omnium; quibus te brevi tempore confectum esse senties. Tantùm profeci tum, cum te à Consulatu repuli, ut exul potius [d] tentare, quàm Consul vexare rempub. posses: atque ut id, quod esset à te sceleratè susceptum, latrocinium potiùs quam bellum nominaretur.

V. Nunc ut à me, P. C. quandam prope justam patriæ querimoniam detester ac [e] deprecer; percipite, quæso, diligenter quæ dicam, et ea penitus animis vestris mentibusque mandate. Etenim si mecum patria, quæ mihi vitâ meâ multo est carior, si cuncta Italia, si omnis respub. loquatur: M. Tulli, quid agis? tu-ne eum, quem esse hostem comperisti, quem ducem belli futurum vides, quem exspectari Imperatorem in castris hostium sentis, auctorem sceleris, principem conjurationis, evocatorem servorum et civium perditorum, exire patieris, ut abs te non emissus ex urbe, sed immissus in urbem esse videatur? nonne hunc in vincula duci, non ad mortem rapi, non summo supplicio mactari imperabis? Quid tandem impedit te? mos-ne Majorum? at persæpe etiam privati in hac repub. perniciosos cives morte multarunt; an leges, quæ de civium Romanorum supplicio rogatæ sunt? at nunquam in hac urbe ii, qui à repub. defecerunt, civium jura tenuerunt; an invidiam posteritatis times? præclaram verò populo Rom.

a *multitudinem.* b *exercitati.* c *dicuntur* vulgò. d *lacessare.* e *depellam.*

58. *Obsidendum stuprum.*] *Obsidere stuprum,* is to wait till the husbands are asleep, in order to enjoy their wives; this was as common with Cataline as to lay snares for the rich, that he might plunder them when slain.

63. *A Consulatu repuli.*] Cicero had accused Cataline of corruption, in seeking for an office, and effected his purpose so that he could not be made consul. The oration of his accusation is much to be wished for; there are certain commentaries of Asconius upon it.

65. *Latrocinium potius quàm bellum.*] It is the duty of the magistrate to declare war, and not of a private person; wherefore, when it is declared by a private person, it ought to be called robbery, because it invades the power of the magistrates of the Roman people.

8. *Evocatorem.*] He was called *evocator,* who, by press-masters called forth the servants to warfare, their shops being opened that he might use them against his country, to whom on that account he gives a cap or liberty, which it is said was only used by seditious citizens.

11. *Mactari.*] This word is used in reference to sacrifices which were offered to avert evil; it therefore signifies that Cataline was a devoted man, on whom the curses of the whole city should fall.

Ib. *Mos-ne Majorum.*] The ancients would not put a citizen to death without the order of the Roman people.

12. *Etiam privati.*] Thus P. Scipio Nasica slew Gracchus for sedition.

13. *An leges, &c.*] The Sempronian law provided, that no sentence should be passed upon a citizen without the consent of the people: an inquiry of the people was appointed concerning him who had punished a Roman citizen, whose cause had not been heard.

refers gratiam, qui te hominem per te cognitum, nullâ commendatione Majorum, tam maturè ad summum imperium per omnes honorum gradus extulit, si propter invidiam, aut alicujus periculi metum, salutem civium tuorum negligis. Sed si quis est invidiæ metus, num est vehementiùs severitatis ac fortitudinis invidia, quàm inertiæ, ac nequitiæ pertimescendæ? an cùm bello vastabitur Italia, vexabuntur urbes, tecta ardebunt; tum te non existimas invidiæ incendio conflagraturum? His ego sanctissimis reipub. vocibus, et eorum hominum, qui idem sentiunt, mentibus pauca respondebo. Ego si hoc optimum factu judicarem, P. C. Catilinam morte multari, unius [a] usuram horæ gladiatori isti ad vivendum non dedissem; etenim si summi viri, et clarissimi cives, Saturnini, et Gracchorum, et Flacci, et superiorum complurium sanguine non modò se non contaminarunt, sed etiam honestarunt; certè verendum mihi non erat, ne quid, hoc parricidâ civium interfecto, invidiæ mihi in posteritatem redundaret. Quod si ea mihi maximè impenderet, tamen hoc animo semper fui, ut invidiam [b] virtute partam, gloriam, non invidiam putarem. Quanquam nonnulli sunt in hoc ordine, qui aut ea quæ imminent, non videant; aut ea quæ vident, dissimulent: qui spem Catilinæ mollibus sententiis aluerunt, conjurationemque nascentem non credendo corroboraverunt: quorum auctoritatem secuti multi, non solùm improbi, verùm etiam imperiti, si in hunc animadvertissem, crudeliter et regiè factum esse dicerent. Nunc intelligo, si iste, quo intendit, in Manliana castra pervenerit, neminem tam stultum fore, qui non videat conjùrationem esse factam: neminem tam improbum, qui non fateatur. Hoc autem uno interfecto, intelligo hanc reip. pestem paulisper reprimi non in perpetuum comprimi posse. Quod si se ejecerit, secumque suos eduxerit, et eodem cæteros undique collectos naufragos aggregaverit; extinguetur, atque delebitur, non modò hæc tam [c] adulta reipubl. pestis, verùm etiam stirps, ac semen malorum omnium. Etenim jamdiu, P. C. in his periculis conjurationis insidiisque versamur:

a *tempus.* b *fortitudine.* c *matura.*

16. *Hominem per te cognitum.*] This is said in allusion to the obscurity of Cicero's ancestors.

17. *Tam mature.*] In the same year that his age permitted, he was made Consul, which had never before occurred in the case of a new man.

Ib. *Per omnes honorum gradus.*]—Through the Quæstorship, the Ædileship, and the Prætorship, all which offices Cicero had held with credit, he came to the consulship.

19. *Invidiæ metus.*] In 4. *Tuscul. Quæst. lib.* he thus describes envy: they say that it is a certain vexation, received from the prosperity of another, which does not injure him that envies.

29. *Hoc parricidâ.*] Our country is our common parent, and we are all to be considered as brethren; wherefore he who kills another is called a parricide. Hence Festus Pompeius says, that the ancient Latins called every murderer a parricide.

32. *Quanquam non nulli sunt in hoc ordine.*] Cæsar, Crassus, and others, were suspected of being concerned in Cataline's conspiracy, and of wishing that it might succeed. These were cunning enough not to be present at the meeting of the conspirators, but they served Cataline by saying, perhaps it was not true, and that more certain proofs of it were wanting.

41. *Reprimi non comprimi.*] Quintilian in lib. 9. makes this distinction between these words, that *reprimi* refers to something that is temporary, *comprimi* to that which is perpetual.

43. *Collectos naufragos.*] By shipwrecked persons he means those, who, sailing along in wickedness and crimes, as if upon the deep, have wasted all that they possessed, and, as if their country is lost, are cast upon the shore.

sed-nescio quo pacto omnium scelerum, ac veteris furoris et audaciæ maturitas in nostri Consulatus tempus erupit. Quod si ex tanto latrocinio iste unus tolletur, videbimur fortasse ad breve quoddam tempus curâ et metu esse relevati: periculum autem residebit, et erit inclusum penitus in venis, atque in visceribus reipublicæ. Ut sæpe homines ægri morbo gravi, [a] cùm æstu febrique jactantur, si aquam gelidam biberint primo [b] relevari videntur; deinde multo gravius vehementiusque [c] afflictantur: sic hic morbus, qui est in republica, relevatus istius pœnâ, vehementiùs, vivis [d] reliquis ingravescet.

PERORATIO.

VI. Quare, P. C. secedant improbi, secernant se à bonis, unum in locum congregentur; muro denique, id quod sæpe jam dixi, secernantur à nobis: desinant insidiari domi suæ Consuli, circumstare tribunal Prætoris urbani, obsidere cum gladiis curiam, malleolos et faces ad incendendam urbem comparare: sit denique incriptum in fronte uniuscujusque civis, quid de repub. sentiat. Polliceor vobis hoc, P. C. tantam in nobis Coss. fore diligentiam, tantam in vobis auctoritatem, tantam in equitibus Rom. virtutem, tantam in omnibus bonis consensionem, ut Catalinæ profectione omnia patefacta, illustrata, oppressa, vindicata esse videatis. Hisce ominibus, Catilina, cum summa reip. salute, et cum tua peste ac pernicie, cumque eorum exitio, qui se tecum omni scelere, parricidioque junxerunt, proficiscere ad impium bellum ac nefarium. Tum tu, Jupiter, qui iisdem, quibus hæc urbs, auspiciis à Romulo es constitutus, quem Statorem hujus urbis, atque imperii verè nominamus, hunc, et hujus socios à tuis aris, cæterisque templis, à tectis urbis ac mœnibus, à vita fortunisque civium omnium [e] arcebis: et omnes inimicos bonorum, hostes patriæ, latrones Italiæ, scelerum fœdere inter se ac nefaria societate conjunctos, æternis suppliciis vivos mortuosque mactabis.

a *æstuante febri.* b *convalescere.* c *ægrotant.* d *conjuratis.* e *repelles.*

47. *Veteris furoris.*] He says that this conspiracy, which had been formed two years previous, had broken forth in his consulship.

4. *Prætori urbani.*] L. Valerius Flaccus was then the city Prætor.

Ib. *Malleolos.*] These bundles of combustibles were prepared to set fire to the fortifications of the enemy, being lighted with Spanish broom and pitch.

5. *Inscriptam in fronte.*] It can be seen in the countenance of every one what he thinks, for the front was so named because it exhibits openly the affections of the mind.

10. *Hisce ominibus Catilina.*] The heathens superstitiously observed whatever was said on their undertaking a journey, or any enterprize. Some of the greatest men have laid aside an undertaking, or have been encouraged in the pursuit of it, by a word dropped by chance. All the Roman historians, particularly Livy, is full of this conceit. This solemn imprecation, therefore, pronounced by the consul in the temple of Jupiter Stator, was like the highest excommunication, and would be construed a bad omen to Cataline by all those of his audience who had any regard for the religion of their country.

15. *Aris.*] He has put altars for temples, or a part for the whole.

ORATIO SECUNDA

IN

L. CATILINAM.

AD QUIRITES.

Cataline was too much astonished, by Cicero's first oration, and too conscious of his guilt, to attempt a refutation of the charges that had been brought against him; yet he begged of the fathers, not to believe too hastily the accusations of an enemy. It was not to be imagined, he said, that a man of patrician family, whose ancestors as well as himself, had given many proofs of their affection to the Roman people, should want to overturn the government; while Cicero, a stranger, and late inhabitant of Rome, was so zealous to preserve it. But, being interrupted here, by the general outcry of traitor, and parricide from the Senate, he became furious, and declared that since he was circumvented, and driven headlong by his enemies, he would quench the flame that was raised about him, by the common ruin; and so rushed out of the assembly. He left Rome that very night with about three hundred men, for Etruria. No sooner had he disappeared, than it was given out, by his friends, that he was gone into a voluntary exile at Marseilles; which was industriously spread through the city the next morning, to raise an odium upon Cicero, for driving an innocent man into banishment, without any previous trial or proof of his guilt; Cicero, however, was too well informed of his motions, to entertain any doubts about his going to Manlius' camp, and into actual rebellion. But lest the story should make an ill impression on the city, he called the people together, into the forum, to give them an account of what passed in the Senate, the day before; of Cataline's leaving Rome; and of their freedom from danger, on account of his departure; he also admonishes the other conspirators to follow his example, and concludes his oration, by giving a detail of the measures adopted for the suppression of the whole conspiracy.

PROPOSITIO.

Sic incipit Cicero: Abiit Catilina, liberati sumus. Hanc propositionem amplificat à scelere Catilina, et periculi magnitudine, quo liberata est Respub. Paragr. 1.

CONFIRMATIO.

Propositio totius confirmationis hæc est: Utile est non interfici Catilinam, et ejus socios discedere: *Quia magis in urbe timendi sunt quàm foris.*

I. TANDEM aliquando, Quirites, L. Catilinam furentem audaciâ, scelus anhelantem, pestem patriæ nefariè molientem, vobis atque huic urbi [a] ferrum flammamque minitantem, ex urbe vel ejecimus, vel emisimus, vel ipsum egredientem verbis prosecuti su-

INTERPRETATIO.

a *Cædem et incendium.*

NOTES.

2. *Scelus anhelantem.*] Cataline pants after wickedness, because he desires to perfect his conspiracy with crimes, and to destroy all.

4 *Ejicimus, vel emisimus, vel ipsum egredientem, &c.*] *Ejicere* is used when a man has been forced from a place reluctantly; *emittere* implies that he was sent

mus. Abiit, excessit, evasit, erupit; nulla jam pernicies à monstro illo, atque prodigio mœnibus ipsis intra mœnia comparabitur. Atque hunc quidem unum hujus belli domestici ducem sine [a] controversia vicimus; non jam inter latera nostra sica illa versabitur: non in campo, non in foro, non in curia, non denique intra domesticos parietes pertimescemus; loco ille motus est, cùm est ex urbe depulsus; palam jam cum hoste, nullo impediente, bellum justum geremus. Sine dubio perdidimus hominem, magnificeque vicimus, cùm illum ex occultis insidiis in apertum latrocinium conjecimus. Quòd vero non cruentum mucronem, ut voluit, extulit, quòd vivis nobis egressus est, quòd ei ferrum de manibus extorsimus, quòd incolumes cives, quòd stantem urbem reliquit, quanto tandem illum mœrore afflictum esse et profligatum putatis? Jacet ille nunc, prostratusque est, Quirites, et se perculsum, atque abjectum esse sentit; et retorquet oculos profectò sæpe ad hanc urbem, quam ex suis faucibus ereptam esse luget: quæ quidem lætari mihi videtur, quod tantam pestem evomuerit, forasque projecerit.

III. At si quis est talis, quales esse omneis oportebat, qui hoc in ipso, in quo exsultat et triumphat oratio mea, me vehementer accuset, quòd tam capitalem hostem non comprehenderim potius, quam emiserim; non est ista mea culpa, Quirites, sed temporum. Interemptum esse L. Catilinam, et gravissimo supplicio affectum jampridem oportebat:

a *dubio.*

with the concurrence of his own wishes. In both cases the will of another is concerned, *Egredi*, on the contrary, denotes a voluntary act. Cataline was forced from Rome, because it was his intention not to leave the city till Cicero was taken off. He was sent away with his own consent, because he saw, he could not remain any longer with safety. He left the place, of his own accord, because there was nothing he was more earnestly set upon, than to repair to Manlius' camp.

5. *Abiit, excessit, evasit, erupit.*] These words are a climax, in which the expression gradually increases in force. *Abiit*, he is gone, implies only a bare removal. *Excessit*, he has quitted us as if for some urgent reasons. *Evasit*, he has escaped as if from a place in which he could no longer remain in safety. *Erupit*, he has broke forth, as if by a certain force, and alacrity of mind, rejoicing to go to Manlius' camp.

Ib. *A monstro illo.*] He calls him a monster or a monstrous citizen, who was by nature, a man, by birth a Roman citizen, a beast in mind, an enemy to his country, and a parricide, as he said in the former oration, this figure is Hypallage.

10. *Loco motus.*] A metaphor, taken from warfare, in which, when an enemy is forced to quit his position, he is more easily overcome.

13. *Ex occultis insidiis.*] In the middle of the night he took counsel with the conspirators concerning his treachery, which counsels were brought to light by Cicero.

14. *Non cruentum mucronem.*] He declares, that he had not been slain by Cataline as he had desired.

Ib. *Vivis nobis.*] He had declared that he would not leave the city until Cicero was slain.

1. *Quales esse omneis oportebat.*] It ought to be the opinion of all, that Cataline should be slain.

2. *Quod tam capitalem hostem non comprehenderim potius, quam emiserim.*] It must appear strange to some, that as Cicero had such certain information of Cataline's conspiracy, he, instead of seizing him in the city, as he might have done, not only suffered, but urged him to escape, and forced him to begin the war. But there were, as he says, good reasons for what he did. He had many enemies among the nobility, and Cataline many secret friends; and though he was perfectly acquainted with the plot, yet the proofs of it being not yet ready to lay before the Senate, Cataline's dissimulation still prevailed, and persuaded numbers of his innocence, so that if he had imprisoned or punished him at this time, the whole faction were ready to raise a clamour against him, representing his administration as a tyranny, and the plot as a forgery, contrived to support it. But by driving

idque à me et mos Majorum, et hujus imperii severitas, et respub. postulabat. Sed quàm multos fuisse putatis, qui, quæ ego deferrem, non crederent? quàm multos, qui propter [a] stultitiam non putarent? quàm multos, qui etiam defenderent? quàm multos, qui propter improbitatem faverent? Ac si, sublato illo, depelli à vobis omne periculum judicarem, jampridem ego L. Catilinam non modò invidiæ meæ, verum etiam vitæ periculo sustulissem; sed cùm viderem, ne vobis quidem omnibus re etiam tum probata, si illum, ut erat meritus, morte multassem, fore ut ejus socios invidiâ oppressus persequi non possem; rem huc deduxi, ut tum palàm pugnare possetis, cum hostem aperte videretis. Quem quidem ego hostem, Quirites, quàm vehementer foris esse timendum putem, licèt hinc intelligatis, quòd illud etiam moleste fero, quòd ex urbe parum comitatus exierit. Utinam ille omnes secum suas copias eduxisset. Tongillum mihi eduxit, quem amare in prætexta cœperat: Publicium et Munatium, quorum æs alienum contractum in popina nullum reip. motum afferre poterat. Reliquit quos viros? quanto alieno ære? quàm valentes? quàm nobiles? Itaque ego illum exercitum, et Gallicanis legionibus, et hoc delectu quem in agro Piceno et Gallico Q. Metellus habuit, et his copiis quæ à nobis quotidie comparantur, [b] magnopere contemno, collectum ex senibus desperatis, ex [c] agresti luxuria, ex rusticis mendiculis, ex

a *simplicitatem.* b *nihil metuo.* c *agrestibus luxuriosis.*

Cataline to rebellion, he made all men see the reality of their danger, when, at the same time, he knew that he could easily overcome his forces, as the event proved.

6. *Hujus imperii severitas.*] So great was the severity of the consular authority, that on the very day on which the decree was given by the Senate, C. Gracchus, M. Fulvius, and L. Saturninus, seditious citizens, were slain.

7. *Sed quàm multos.*] Many did not believe Cicero, when he reported that conspiracy. 1. Because they considered Cicero an enemy to Cataline, on account of the competition that had arisen between them about the consulship. 2. Because others did not see the dangers with which they were threatened. 3. Because many favoured Cataline, and therefore concealed the danger. Whence many would have accused Cicero of cruelty, if he had put him to death.

18. *Parum comitatus.*] Only three hundred life guards followed him to the camp of Manlius.

19. *Tongillum mihi eduxit.*] The word *mihi* contributes nothing to the sense, but much to the elegance, of the sentence; which is a very usual manner of speaking, with Cicero. Tongilius Publicius, and Munatius, who were low men, followed Cataline; but the conspirators of noble birth remained in the city.

20. *Æs alienum.*] Cataline had borrowed money from Publicius and Munatius, but he spent it all in taverns and other places of evil fame.

21. *Reliquit quos viros?*] He shows, that those whom he had left in the city were more to be feared by them, because they were noble, oppressed, and ready to engage in any desperate undertaking. Muretus thinks that something is omitted in this place; but it appears, that an enumeration of the good citizens, who should oppose themselves to the followers of Cataline, was asked for; which may be easily seen from the next oration, in which he compares the two armies.

23. *Itaque ego illum exercitum.*] He shows that the army of Cataline was to be despised. 1. Because the Republic had in its army the Gallic legions, which were daily enlisted. 2. A chosen army, which Metellus had in the Picenian and Gallic country. 3. Because forces were daily collected throughout Italy.

Ib. *Et Gallicanis legionibus.*] Some read *Præ;* but there were legions which were enlisted in Transalpine Gaul, where the Boii then dwelt.

24. *Agro Piceno.*] Hod. la Marca d'Ancona.

Ib. *Et Gallico.*] Hod. Lombardy.

Ib. *Et his copiis quæ à nobis.*] The

decoctoribus, ex iis qui vadimonia deserere, quam illum exercitum maluerunt: quibus ego non modo si [a]aciem exercitûs nostri, verum etiam si edictum Prætoris ostendero, concident. Hos, quos video volitare in foro, quos stare ad curiam, quos etiam in Senatum venire; qui nitent unguentis, qui fulgent purpura, mallem secum suos milites eduxisset; qui si hic permanent, mementote non tam exercitum illum esse nobis, quàm hos, qui exercitum deseruerunt, pertimescendos.

III. Atque hoc etiam magis sunt timendi, quod, quid cogitent, me scire sentiunt, neque tamen permoventur. Video, cui Apulia sit [b]attributa, qui habeat Etruriam, qui agrum Picenum, qui Gallicum, qui sibi has urbanas insidias cædis atque incendiorum depoposcerit: omnia superioris noctis consilia ad me perlata esse sentiunt; patefeci in Senatu hesterno die: Catilina ipse pertimuit, profugit; hi quid expectant? næ illi vehementer errant, si illam meam pristinam lenitatem perpetuam sperant futuram. Quod expectavi, jam sum assecutus, ut vos omnes factam esse aperte conjurationem contra remp. videretis: nisi [c]vero si quis est, qui Catilinæ similes cum Catilina sentire non putet. Non est jam lenitati locus, severitatem res ipsa flagitat; unum etiam nunc concedam: exeant, proficiscantur, ne patiantur desiderio sui Catilinam miserum tabescere: demonstrabo iter: Aureliâ viâ profectus est: si accelerare volent, ad vesperam consequentur. O fortunatum remp. si quidem hanc sentinam hujus urbis ejecerit! uno mehercule Catilinâ exhausto, relevata mihi et recreata resp. videtur. Quid enim mali aut sceleris fingi aut excogitari potest, quod non ille [d]conceperet? quis totâ Italiâ veneficus, quis gladiator, quis latro, quis sicarius, quis parricida, quis testamentorum subjector, quis [e]circumscriptor, quis ganeo, quis nepos, quis adulter,

a *arma* b *assignata.* c *nisi quis est* d *commiserit.* e *deceptor.*

Senate decreed that the consuls should make a levy.

27. *Vadimonia deserere.*] *Vadimonium* is the promise of presenting oneself, and appearing in court: he who forsook his bail was considered an infamous person, and his creditors were permitted to seize upon his goods.

29. *Edictum Prætoris.*] By the edict of the Prætor, they might know that they were in danger of losing their fortunes for deserting their bail.

Ib. *Concident.*] That is, overcome with fear, they lose all courage.

Ib. *Volitare in foro.*] They are said to flutter round the forum, who think of nothing else than how to get money to spend in taverns.

30. *Stare ad curiam.*] They stand about the senate chamber, that they may know what is doing.

Ib. *In senatum venire.*] There were eleven senators engaged in this conspiracy.

31. *Fulgent purpura.*] It was not lawful for any except senators to wear purple.

2. *Cui Apulia.*] Cataline had divided the parts of the city and the provinces among his followers. He allotted Apulia to C. Julius, Etruria to Manlius, Agrum Picenum to Septimius. Cicero seems to mean some persons of great note, who were yet in Rome, who were to command in chief in those countries, whose names are not left us by any historians; except that Marcus Cæparius is said, in the third oration, to have been named to raise the shepherds in Apulia.

5. *Superioris noctis.*] Not the last night, but the one before the last, which the words that follow prove, *patefeci hesterno die.*

6. *Hi.*] Those who remained in the city.

8. *Quod expectavi*] He was waiting until Cataline should flee, so that his conspiracy might be manifest to all.

19. *Parricida.*] Not he who kills his father, but he who persuades young men to kill their parents.

Ib. *Testamentorum subjector.*] A forger of wills.

20. *Circumscriptor.*] One who makes

quæ mulier infamis, quis corruptor juventutis, quis corruptus, quis perditus inveniri potest, qui se cum Catilina non familiarissime vixisse fateatur? quæ cædes per hosce annos sine illo facta est? quod nefarium stuprum non per illum? Jam verò quæ tanta in ullo unquam homine juventutis illecebra fuit, quanta in illo? qui alios ipse amabat turpissimè, aliorum amori flagitiosissimè serviebat: aliis fructum libidinum, aliis mortem parentum, non modò impellendo, verùm etiam adjuvando pollicebatur Nunc vero quàm subito non solum ex urbe, verum etiam ex agris ingentem numerum perditorum hominum collegerat? nemo, non modò Romæ, sed nec ullo in angulo totius Italiæ oppressus ære alieno fuit, quem non ad hoc inbredibile sceleris fœdus adsciverit. Atque ut ejus diversa studia in dissimili ratione perspicere possitis, nemó est in ludo gladiatorio paulo ad facinus audacior, qui se non intimum Catilinæ esse fateatur: nemo in scena levior et nequior, qui se non ejusdem prope sodalem fuisse commemoret. Atque idem tamen stuprorum et scelerum exercitatione assuefactus, frigore, et fame, et siti, ac vigiliis perferendis, fortis ab istis suis sociis prædicabatur, cùm industriæ subsidia, atque instrumenta [a] virtutis in libidine audaciaque consumeret. Hunc vero si sui fuerint comites secuti, si ex urbe exierint desperatorum hominum flagitiosi greges, ô nos beatos! ô rempubl fortunatam! ô præclaram laudem consulatûs mei! Non enim jam sunt mediocres hominum libidines, non humanæ audaciæ, ac tolerandæ: nihil cogitant, nisi cædem, nisi incendia, nisi rapinas: patrimonia sua profuderunt, fortunas suas obligurierunt: res eos jampridem, fides deficere nuper cœpit; eadem tamen illa, quæ erat in abundantia, libido permanet. Quod si in vino et alea comissationes solùm, et scorta quærerent, essent illi quidem desperandi, sed tamen essent ferendi: hoc vero quis ferre possit, inertes homines fortissimis viris insidiari, stultissimos prudentissimis, ebriosos sobriis, dormientes vigilantibus? qui mihi accubantes in conviviis, complexi mulieres impudicas, vino languidi, [b] confecti cibo, sertis redimiti,

a *fortitudinis*. b *conferti*.

it his business to entice and allure young persons into debauchery. This practice had become so common at Rome, that they had established it as an art or profession.

Ib. *Quis ganeo, quis nepos.*] Thus called from brothel houses, which were places fitted for drinking, and the gratification of lust. *Nepos*, besides its proper meaning is frequently used, as in this case, for a debauchee and prodigal; one who has dissipated his patrimony in luxury and voluptuousness. Sallust gives a full description of the abandoned crew from whom Cataline selected his companions.

24. *Jam verò quæ.*] We have enumerated all the vices which were peculiar to Cataline.

34. *Levior.*] Gellius says, that this word does not differ from *nepos* and *nequam*.

38. *Industriæ subsidia.*] Cataline possessed many advantages such, as high rank, and strength of body and mind; but these were all abused to lust and audacity.

39. *Audacia.*] To go through every species of crime, to lie in wait for the goods of those who were slain, and to commit fornication, he was bold.

44. *Obligurierent.*] Some read it *abligurierunt*, which word is more frequently found; that is, they consumed their goods in sweet-meats and delicacies.

45. *Fides deficere.*] That is, they deceived their creditors; for which reason no one would lend them any more money.

46. *Libido permanet.*] That is, the worst of lusts, which remains after the destruction of one's fortune.

47. *Comissationes.*] That which was eaten before dinner, was called breakfast; but that after supper, *commessatio*, or riotous feasting

51. *Sertis redimiti.*] The ancients were accustomed at their feasts, particularly

unguentis obliti, debilitati stupris, eructant sermonibus suis cædem bonorum, atque urbis incendia; quibus ego confido impendere fatum aliquod: et pœnas jamdiu improbitati, nequitiæ, sceleri, libidini debitas, aut instare jam planè, aut certè jam appropinquare. Quos si meus consulatus, quoniam sanare non potest, sustulerit: non breve nescio quod tempus, sed multa sæcula propagarit reipublicæ; nulla est enim natio, quam pertimescamus: nullus rex, qui bellum populo Romano inferre possit; omnia sunt externa, unius virtute, terra marique pacata; domesticum bellum manet: intus insidiæ sunt: intus inclusum periculum est: intus est hostis; cum luxuria nobis, cum amentia, cum scelere certandum est. Huic ego me bello ducem profiteor, Quirites: suscipio inimicitias hominum perditorum; quæ sanari poterunt, quacunque ratione sanabo: quæ resecanda erunt, non patiar ad perniciem civitatis manare. Proinde aut exeant, aut quiescant: aut si et in urbe, et in eadem mente permanent; ea quæ merentur exspectent. At etiam sunt, Quirites, qui dicant à me in exsilium ejectum esse Catilinam, quod ego si verbo assequi possem, istos ipsos ejicerem, qui hæc loquuntur; homo enim videlicet timidus, et permodestus, vocem consulis ferre non potuit: simul atque ire in exsilium jussus est, paruit. Quid, quòd hesterno die cum domi meæ pene interfectus essem, Senatum in ædem Jovis Statoris convocavi? rem omnem ad patres conscriptos detuli? quò cùm Catilina venisset, quis eum Senator appellavit? quis salutavit? quis denique ita aspexit ut perditum civem, ac non potius ut [a] importunissimum hostem? quin etiam principes ejus ordinis partem illam subselliorum, ad quam ille accesserat, nudam, atque inanem reliquerunt.

IV. Hic ego, vehemens ille Consul, qui verbo cives in exsilium ejicio, quæsivi à Catilina, an nocturno conventu apud M. Leccam fuisset, necne; cum ille homo audacissimus, conscientià convictus, primo reticuisset; patefeci cætera: quid ea nocte egisset, ubi fuisset, quid in proximam constituisset, quemadmodum esset ei ratio totius belli descripta, edocui; cum hæsitaret, cum teneretur; quæsivi quid

[a] *perniciosissimum.*

those which were of a luxurious kind, to give crowns and ointment; as frequently appears in Horace.

59. *Omnia sunt externa.*] The Roman people carried on no wars at that time in Europe.

Ib. *Terra marique.*] Pompey conquered every where: for by his valour Mithridates was conquered by land, and the piratic war was finished by sea. *Vide pro lege Man.*

63. *Quæ sanari poterunt*, &c.] A figure taken from the operations of physicians and surgeons, who amputate those members which cannot be cured, lest the rest should be infected.

67. *Exspectent.*] The punishment due to their crimes.

68. *Quod ego si verbo assequi possem.*] If I could do so much by a word that I could cast out a citizen, I would cast out these persons who say these things of me.

69. *Homo videlicet timidus.*] He ironically calls Cataline timid, whom he had so often said was audacious in committing every species of crime.

71. *Hesterno.*] The day before yesterday.

76. *Principes ejus ordinis.*] Men of consular dignity, who gave their opinions first.

1. *Vehemens ille Consul.*] He calls himself that violent consul, as he was styled by the conspirators.

5. *Quid in proximam.*] Muretus reads *proximam*, that on which Cataline had determined to go out.

6. *Descripta.*] He had so marked out the manner of the war, that he had set some over the slaughter, some over the conflagration, and others over various parts of the city.

Ib. *Cum teneretur.*] Cataline was so overwhelmed by the manifest proofs which were produced by Cicero, that he did not dare to assert any thing to the contrary.

dubitaret eo proficisci, quo jam pridem pararat: cum arma, cum secures, cum fasces, cum tubas, cum signa militaria, cum aquilam illam argenteam, cui ille etiam sacrarium scelerum domi suæ fecerat, scirem esse præmissam. In exsilium ejiciebam, quem jam ingressum esse in bellum videbam? Etenim, credo, Manlius iste, centurio, qui in agro Fesulano castra posuit, bellum populo Romano suo nomine indixit: et illa castra nunc non Catilinam ducem exspectant: et ille ejectus in exsilium, se Massiliam, ut aiunt, non in hæc castra conferet. O conditionem miseram non modò administrandæ, verum etiam conservandæ reipublicæ! nunc si L. Catilina consiliis, laboribus, periculis meis circumclusus ac debilitatus subitò pertimuerit, sententiam mutaverit, deseruerit suos, consilium bellum faciendi abjecerit, ex hoc cursu sceleris et belli, iter ad fugam atque exsilium converterit; non ille à me spoliatus armis audaciæ, non obstupefactus ac perterritus mea diligentia, non de spe conatuque depulsus, sed indemnatus, innocens in exsilium ejectus à consule, vi et minis esse dicetur: et erunt, qui illum, si hoc fecerit, non improbum, sed miserum: me non diligentissimum consulem, sed crudelissimum tyrannum existimari velint [a] Est mihi tanti, Quirites, hujus invidiæ falsæ atque iniquæ tempestatem subire, dummodo à vobis hujus horribilis belli ac nefarii periculum depellatur. Dicatur sane ejectus esse à me, dummodo eat in exsilium; sed mihi credite, non est iturus. Nunquam ego à Diis immortalibus optabo, Quirites, invidiæ meæ levandæ causa, ut L. Catilinam ducere exercitum hostium, atque in armis [b] volitare audiatis: sed [c] triduo tamen audietis: multoque magis illud timeo, ne mihi sit invidiosum aliquando, quòd illum emiserim potius, quàm quòd ejecerim. Sed cum sint homines qui illum, cum profectus sit, ejectum esse dicant; iidem, si interfectus esset, quid dicerent? Quanquam isti qui Catilinam Massiliam ire dictitant, non tam hoc queruntur, quam verentur. Nemo est istorum tam misericors, qui illum non ad Manlium, quam ad Massilienses ire malit. Ille autem, si mehercule, hoc quod agit, nunquam ante cogitasset, tamen latrocinantem se interfici mallet, quam exsulem vivere; nunc vero, cum ei nihil adhuc [d] præter ipsius voluntatem cogitationemque acciderit, nisi quod vivis nobis Roma profectus est; optemus potius, ut eat in exsilium, quàm queramur. Sed cur tamdiu de uno hoste loquimur, et de eo hoste qui jam fatetur se esse hostem, et quem, quia, quod semper volui, murus interest, non timeo: de his qui dissimulant, qui Romæ remanent, qui nobiscum sunt, nihil dicimus? quos quidem ego si ullo modo fieri posset, non tam [e] ulcisci studeo, quàm sanare, et ipsos placare reipub. neque, id

a *non recuso*. b *exultare*. c intra *tres dies*. d *contra*. e *punire*.

10. *In exsilium ejiciebam.*] Cicero clears himself of the charge of sending Cataline into exile, as was commonly said by the favourers of the conspirators; since he, about to carry on war against his country, had gone to his camp.

11. *Etenim, credo.*] Irony.

14. *Massiliam, ut aiunt.*] We learn from Sallust, that Cataline, when he left Rome, wrote letters to some of the first senators, informing them, that, being persecuted with false accusations, and not being able to resist the faction of his enemies, he thought proper to retire to Marseilles; not because he was conscious of any guilt, but to prevent disputes which might be raised on his account. Marseilles was a celebrated town of *Gallia Narbonensis*, renowned for the politeness and learning of its inhabitants; of whose fidelity to the Roman commonwealth, Cicero makes mention in his second book of Offices.

37. *Hoc, quod agit.*] Namely, to carry on war against his country.

quare fieri non possit, si me audire voluerint, intelligo. Exponam enim vobis, Quirites, ex quibus generibus hominum istæ copiæ comparentur: deinde singulis medicinam consilii, atque orationis meæ, si quam potero, afferam. Unum genus est eorum, qui [a] magno in ære alieno majores etiam possessiones habent, quarum amore adducti dissolvi nullo modo possunt. Horum hominum species est honestissima: sunt enim locupletes: voluntas vero, et causa impudentissima. Tu agris, tu ædificiis, tu argento, tu familiâ, tu rebus omnibus ornatus et copiosus sis, et dubites aliquid de possessione detrahere, ac fidem acquirere? quid enim exspectas? bellum? quid? ergo in vastatione omnium, tuas possessiones sacrosanctas futuras putas? an tabulas novas? errant qui istas à Catilina exspectant; meo beneficio tabulæ novæ proferentur, verum auctionariæ. Neque enim isti qui possessiones habent, alia ratione ulla salvi esse possunt. Quod si [b] maturius facere voluissent, neque (id quod stultissimum est) certare cum usuris fructibus prædiorum; locupletioribus his, et melioribus civibus uteremur. Sed hosce homines minime puto pertimescendos, quòd aut deduci de sententia possunt, aut, si permanebunt, magis mihi videntur vota facturi contra remp. quam arma laturi. Alterum genus est eorum, qui, quanquam premuntur ære alieno, dominationem tamen exspectant: rerum potiri volunt: honores, quos, quietâ repub. desperant, perturbatâ consequi se posse arbitrantur. Quibus hoc præcipiendum videtur, unum scilicet et idem, quod cæteris omnibus, ut desperent se id, quod conantur, consequi posse: primum omnium me ipsum vigilare, adesse, providere reipub. deinde magnos animos esse in bonis viris, magnam concordiam, maximam multitudinem: magnas præterea copias militum: deos denique immortales huic invicto populo, clarissimo imperio, pulcherrimæ urbi, contra tantam vim sceleris, præsentes auxilium esse laturos. Quod si jam sint id, quod cum summo furore cupiunt, adepti; num illi in cinere urbis, et sanguine civium, quæ mente conscelerata ac nefaria concupierunt, se consules ac dictatores, aut etiam reges sperant futuros? non vident id se cupere, quod si adepti fuerint, fugitivo alicui, aut gladiatori concedi sit necesse?

V. Tertium genus est ætate jam confectum, exercitatione robus-

a *debentes multa.* b *citius.*

55. *Detrahere.*] Something is taken from an estate, when the owner sells part of it to free himself from debt.

57. *Sacrosanctas.*] That is sacred which no one dares to violate: thus the tribunes of the people were sacred.

Ib. *Tabulas novas.*] When any one was oppressed with debt, either by a decree of the Senate or of the General, new obligations were proposed, by which the money which had been lent was given to the debtors. But Cataline promised, that he would burn all the records of the usurers, so that no one could be forced to pay the debt which he had previously contracted.

59. *Auctionariæ.*] Those regulations which were used at auctions, when there was a public sale of goods, and the article was struck off to him who was the highest bidder.

60. *Salvi.*] They could not otherwise be freed from debt.

61. *Certare cum usuris fructibus.*] That is, to suppose that the yearly income of their estates exceeded the interest on the mortgage.

67. *Rerum potiri volunt.*] There is a difference between the words *potiri rebus, et rerum potiri.* *Potiri rerum* is applied to those who have the supreme authority: *potiri rebus* to those who enjoy pleasure, money, &c.

1. *Ætate confectum.*] In the conspira-

tum: quo ex genere est ipse Manlius, cui nunc Catilina successit. Hi sunt homines ex his coloniis, quas Fesulis Sulla constituit: quas ego universas civium esse optimorum, et fortissimorum virorum sentio: sed tamen hi sunt coloni, qui se insperatis repentinisque pecuniis sumptuosius insolentiusque jactarunt; hi dum ædificant tanquam beati, dum prædiis, lecticis, familiis magnis, conviviis, apparatibus delectantur, in tantum æs alienum [a] inciderunt, ut, si salvi esse velint, Sulla sit iis [b] ab inferis excitandus, qui etiam nonnullos agrestes homines tenues atque [c] egentes in eandem istam spem rapinarum veterum impulerunt. Quos ego utrosque, Quirites, in eodem genere prædatorum direptorumque pono. Sed eos hoc moneo, desinant, furere, et proscriptiones, et dictaturas cogitare. Tantus enim illorum temporum dolor [d] inustus est civitati, ut jam ista non modò homines sed ne pecudes quidem mihi passuræ esse videantur. Quartum genus est sane varium et mistum, et turbulentum; qui jampridem premuntur; qui nunquam emergent: qui partim inertia, partim male gerendo negotio, partim etiam sumptibus, in vetere ære alieno vacillant: qui vadimoniis, judiciis, proscriptionibus bonorum defatigati, permulti et ex urbe, et ex agris se in illa castra conferre dicuntur. Hosce ego non tam milites acres, quàm insidiatores lentos esse arbitror; qui homines primùm, si stare non possunt, corruant: sed ita, ut non modò civitas, sed ne vicini quidem proximi sentiant; nam illud non intelligo, quamobrem, si vivere honeste non possunt, perire turpiter velint: aut cur minore dolore perituros se cum multis, quàm si soli pereant, arbitrentur. Quintum genus est parricidarum, sicariorum, denique omnium facinorosorum; quos ego à Catilina non revoco; nam neque divelli ab eo possunt; et pereant sane in latrocinio, quoniam sunt ita multi, ut eos capere carcer non possit. Postremum autem genus est, non solum numero, verum etiam genere ipso, atque vitâ, quod proprium est Catilinæ, de ejus delectu, immo verò [e] complexu ejus ac sinu; quos pexo capillo nitidos, aut imberbes, aut bene barbatos videtis; mani-

a *contraxerunt tantum æs alienum.* b *revocandus ad vitam.* c *mendiculos.*
d *allatus.* e *de familiarissimis ipsi et intimis.*

cy of Cataline there were many of the soldiers of Sylla who were fugitives in Italy, and were warlike; whom the hope of rapine and murder had brought to Cataline.

3. *Ex his coloniis.*] Sylla, after his victory, sent out 47 colonies, and bestowed the houses and lands of the citizens to his soldiers.

Ib. *Fesulis.*] Politianus, *lib.* 1. *epist.* says, that Fesulæ was founded by Atlas, and was so called from his daughter Fesula.

6. *Jactarunt.*] The soldiers being brought into the colonies, showed their riches, by spending them extravagantly.

10. *Rapinarum veterum.*] They were attracted with the hope of rapine, such as was made in the time of Sylla.

13. *Proscriptiones.*] Needy and indigent men of this kind, ought not to hope that Cataline would make himself Dictator, and that he would be like Sylla, who proscribed the goods of all those, who took the opposite side.

16. *Et turbulentum.*] Another kind of men, who followed Cataline, were the turbulent and seditious persons, who were collected from the multitude, and, as it were, from the offscourings of society.

20. *In illa castra.*] The dregs of mankind flowed into the camp of Manlius.

21. *Insidiatores lentos.*] Many read *inficiatores;* that is, men trained to deny those to whom they are in debt.

22. *Corruant.*] If they cannot continue in their own riches, let them kill themselves; for it is more becoming for them to die peaceably than tumultuously, and with danger to the Republic.

32. *Pexo capillo.*] He describes the effeminacy of those who followed Cataline.

catis et talaribus tunicis; velis amictos, non togis; quorum omnis industria vitæ, et vigilandi labor, in antelucanis cœnis expromitur. In his gregibus omnes aleatores, omnes adulteri, omnes [a] impuri, impudicique versantur. Hi pueri tam lepidi ac delicati, non solum amare, et amari, neque cantare, et saltare, sed etiam sicas vibrare, et spargere venena didicerunt: qui nisi exeunt, nisi pereunt, etiam si Catilina perierit, scitote hoc in repub. seminarium Catilinarium futurum. Verumtamen quid sibi isti miseri volunt? num suas secum mulierculas sunt in castra ducturi? quemadmodum autem illis carere poterunt, his præsertim jam noctibus? quo antem pacto illi Appenninum, atque illas pruinas ac nives perferent? nisi idcirco se facilius hiemem toleraturos putant, quod nudi in conviviis saltare didicerunt. O bellum magnopere pertimescendum, cum hanc sit habiturus Catilina scortatorum cohortem prætoriam! Instruite nunc, Quirites, contra has tam præclaras Catilinæ copias vestra præsidia, vestrosque exercitus: et primùm gladiatori illi confecto et saucio, consules, imperatoresque vestros opponite: deinde contra illam naufragorum ejectam ac debilitatam manum, florem totius Italiæ ac robur educite. Jam vero urbes coloniarum ac municipiorum respondebunt Catilinæ cumulis silvestribus; neque vero cæteras copias, ornamenta, præsidia vestra, cum illius latronis inopia atque egestate conferre debeo. Sed si, omissis his rebus omnibus, quibus nos suppeditamus, eget ille, Senatu, equitibus Romanis, populo, urbe, ærario, vectigalibus, cunctâ Italiâ, provinciis omnibus, exteris nationibus: si, inquam, his rebus omissis, ipsas causas, quæ inter se confligunt, [b] contendere velimus, ex eo ipso, quàm valde illi jaceant, intelligere possumus. Ex hac enim parte pudor pugnat, illinc petulantia: hinc pudicitia, illinc stuprum: hinc fides, illinc fraudatio: hinc pietas, illinc scelus: hinc constantia, illinc furor: hinc honestas, illinc turpitudo: hinc continentia, illinc libido: hinc denique æquitas, temperantia, fortitudo prudentia, virtutes omnes certant cum iniquitate, cum luxuria,

[a] *improbi.* [b] *comparare.*

Ib. *Aut imberbes.*] Either boys or young men, soft effeminate fellows.

Ib. *Aut bene barbatos.*] It was customary among the ancient Romans, to wear the beard at its full length; but, in the year of the city 454, barbers were brought from Sicily into the city, by P. Lucius Mena, when they began to shave. See Pliny, *lib.* 8.

Ib. *Manicatis.*] The tunic vest of the Romans, was the interior garment; to have which, reaching to the ancles, and having sleeves, was, by the ancients, considered disgraceful; as this was permitted to women alone.

42. *His noctibus.*] When he spoke this oration, on the eighth of November, the nights were cold and long.

46. *Cohortem prætoriam.*] The *prætorian cohort* was a select body of troops, whose business it was to attend upon the General, and serve him as a guard. As commanders in chief were anciently called *prætores* a *præeundo*, we see the reason of the name. Scipio Africanus was the author of this institution among the Romans; selecting the bravest of the men, for that purpose. These afterwards formed the prætorian bands under the emperors.

48. *Gladiatori confecto.*] When a gladiator is badly wounded, he is the same as killed. Thus, Tuscul. *lib.* 3. he says, that gladiators who were badly wounded, were *confectos;* to whom the word *conficere* appears to be particularly applied.

49. *Naufragorum.*] He calls these conspirators shipwrecked, because, when they had made shipwreck of their fortunes and were utterly overturned, they fled to the camp of Manlius.

52. *Cæteras copias, ornamenta.*] The Senate and knights of the Roman treasury, and all those things by which the Republic is adorned and strengthened.

cum ignavia, cum temeritate, cum vitiis omnibus: postremo copia cum egestate, bona ratio cum perdita, mens sana cum amentia, bona denique spes cum omnium rerum desperatione confligit. In hujusmodi certamine ac prælio, nonne, etiamsi hominum studia deficiant, dii ipsi immortales cogent ab his præclarissimis virtutibus tot et tanta vitia superari?

PERORATIO.

VI. Quæ cum ita sint, Quirites; vos, quemadmodum jam antea dixi, [a] vestra tecta custodiis vigiliisque defendite: mihi, ut urbi sine vestro motu ac sine ullo tumultu, satis esset præsidii, consultum ac provisum est. Coloni omnes, municipesque vestri, certiores à me facti de hac nocturna excursione Catilinæ, facile urbes suas, finesque defendent: gladiatores, quam sibi ille maximam manum, et certissimam fore putavit, quanquam meliore animo sunt, quam pars Patriciorum, potestate tamen nostrâ continebuntur. Q. Metellus, quem ego prospiciens hoc, in agrum Gallicanum Picenumque præmisi, aut opprimet hominem, aut omnes ejus motus conatusque prohibebit: reliquis autem de rebus constituendis, [b] maturandis, agendis, jam ad Senatum referemus, quem vocari videtis. Nunc illos, qui in urbe remanserunt, atque adeo qui contra urbis salutem, omniumque vestrum, in urbe à Catilina relicti sunt, quanquam sunt hostes, tamen quia nati sunt cives, monitos etiam atque etiam volo. Mea lenitas adhuc si cui [c] solutior visa est, hoc exspectavit, ut id quod latebat, erumperet. Quod reliquum est, jam non possum oblivisci, meam hanc esse patriam, me horum esse consulem: mihi aut cum his vivendum, aut pro his esse moriendum; nullus est portæ custos, nullus insidiator viæ: si qui exire volunt, consulere sibi possunt: qui verò in urbe se commoverit, cujus ego non modò factum, sed inceptum ullum conatumve contra patriam deprehendero, sentiet in hac urbe esse consules vigilantes. esse egregios magistratus, esse fortem Senatum, esse arma, esse carcerem: quem vindicem nefariorum ac manifestorum scelerum majores nostri esse voluerunt. Atque hæc omnia sic agentur, Quirites, ut res maximæ minimo motu, pericula summa nullo tumultu, bellum intestinum ac domesticum post hominum memoriam crudelissimum ac maximum, me uno togato duce et imperatore, sedetur; quod ego sic administrabo, Quirites, ut, si ullo modo fieri poterit, ne improbus qui-

a *vestras domos.* b *accelerandis.* c *majori*

7. *Quam pars.*] Some of patrician origin followed Cataline. Sallust names many senators who were engaged in the conspiracy.

8. *Q. Metellus.*] Metellus Celer, into whose custody Cataline was willing to deliver himself; but he refused to receive him.

14. *Nati sunt cives.*] Among the conspirators were some who were born citizens, and some who had the right of citizens given to them.

24. *Carcerem.*] Ulpianus tells us, that the prison was built, not for the punishment of bad citizens, but to be a check upon them, and prevent all occasions of punishment. Cicero here maintains the direct contrary, and asserts, that the great design of it was, that guilt and impiety might not escape due vengeance. But these ends are very compatible with each other, and ought doubtless be considered jointly in the present case.

28. *Me uno togato duce et imperatore.*] Cicero tells them, that his scheme for suppressing the conspiracy was so well laid, that, without changing his gown, the garment of peace, he would quell all the disturbance.

dem quisquam in hac urbe pœnam sui sceleris sufferat. Sed si vis manifestæ audaciæ, si impendens patriæ periculum me necessariò de hac animi lenitate deduxerint, illud profecto perficiam, quod in tanto et tam insidioso bello vix optandum videtur, ut ne quis bonus intereat, paucorumque pœna vos omnes jam salvi esse possitis. Quæ quidem ego neque mea prudentia, neque humanis consiliis fretus polliceor vobis, Quirites; sed multis, et non dubiis deorum immortalium [a] significationibus, quibus ego ducibus in hanc spem sententiamque sum ingressus: qui jam non procul, ut quondam solebant, ab extero hoste atque longinquo, sed hîc præsentes suo numine atque auxilio sua templa, atque urbis tecta defendunt: quos vos, Quirites, precari, venerari, atque implorare debetis: ut, quam urbem pulcherrimam, florentissimam, potentissimamque esse voluerunt, hanc omnibus hostium copiis terrâ marique superatis, à perditissimorum civium nefario scelere defendant.

a *indiciis.*

36. *Deorum immortalium significationibus.*] Plutarch, in his life of Cicero, tells us, that while Terentia, his wife, with the vestal virgins, and principal matrons of Rome were sacrificing according to their annual custom, to the goddess Bona, a bright flame issued suddenly from the altar.

38. *Ut quondam.*] The gods appeared formerly to have entirely forsaken the Romans, as in the Senonic war, and second Punic war, in which they were conquered.

ORATIO TERTIA

IN

L. CATILINAM,

AD QUIRITES.

As soon as the conspiracy was detected, the conspirators were taken and convicted before the Senate, which had been called together in the temple of Concordia. Cicero, immediately after the Senate was dismissed, went to the *rostra*, where, before an assembly of the people, he delivered the following oration, in which he informs them of all that had taken place; urges them to the observance of the thanksgiving that had been decreed at all the shrines of the gods; then, after informing them of the magnitude of the danger to which they had been exposed, he concludes by asking a perpetual remembrance of the day, as the reward of all his services to the commonwealth, on the occasion of this conspiracy.

PROPOSITIO.

Continet beneficii commemorationem, et diei consecrationem, quia hodiè Cicero Rempub. servavit: parag. 1.

REMPUBLICAM, Quirites, vitamque omnium vestrûm, bona, fortunas, conjuges, liberosque vestros, atque hoc domicilium clarissimi imperii, fortunatissimam pulcherrimamque urbem, hodierno die, deorum immortalium summo erga vos amore, laboribus, consiliis, periculisque meis, ex flamma atque ferro, ac pene ex faucibus fati ereptam et vobis conservatam ac restitutam, videtis. [a] Et, si non minus nobis jucundi atque illustres sunt ii dies, quibus conservamur, quàm illi, quibus nascimur; quod salutis certa lætitia est, nascendi incerta conditio; et quod sine sensu nascimur, cum voluptate conser-

INTERPRETATIO.

a *quod si.*

NOTES.

1. *Bona.*] *Bona* refers to a hereditary estate, *fortunæ* to money.

2. *Domicilium imperii.*] Rome, which governed the whole empire, and gave it a name.

5. *Ex faucibus fati.*] A metaphor, taken from the danger of an attack from ferocious wild beasts. Fate, according to the Stoics, was an immutable series of events, which happened to men by such an unavoidable necessity, that even the gods could not hinder their coming to pass. But the reason that fate is so often taken for death by the ancients, may be derived from a notion prevalent among them, that at the very moment of a man's birth, the day of his death is irrevocably fixed, which Seneca clearly shows in these words: *Primusque, dies dedit extremum.*

8. *Quibus nascimur.*] The Romans celebrated their own birth-day, and that of their friends.

Ib. *Quod salutis certa lætitia est*]—When we escape from any imminent danger, we cannot doubt our safety; therefore, that day is to us a day of joy and triumph: but when we are born we have no certainty whether the future condition of our lives will be prosperous or adverse. For our present life is often so full of difficulties, that there are persons who think it rather to be shunned than coveted, who think it rather a day of sorrow than of joy, on which we are born.

vamur: profecto, quoniam illum qui hanc urbem condidit, Romulum ad deos immortales benevolentia, famaque sustulimus; esse apud vos posterosque vestros in honore debebit is, qui, eandem hanc urbem conditam amplificatamque servavit; nam toti urbi, templis, delubris, tectis ac mœnibus subjectos prope jam ignes, circundatosque restinximus: iidemque gladios in rempub. restrictos retudimus, mucronesque eorum à jugulis vestris dejecimus. Quæ quoniam in Senatu illustrata, patefacta, compertaque sunt per me, vobis jam exponam breviter, Quirites, ut et quanta, et quam manifesta, et quâ ratione investigata et comprehensa sint, vos qui et ignoratis, et exspectatis, scire possitis.

NARRATIO.

Narratio hæc, seu expositio, duas veluti partes complectitur, quarum est hæc prima: Consilio ac diligentia mea Catilinæ conjurationem comperi et exstinxi.

Secunda. Non sine singulari mea prudentia, ac Deorum beneficio sine civium sanguine exstinxi.

II. Principio, ut Catilina paucis ante diebus erupit ex urbe, cùm sceleris sui socios, et hujusce nefarii belli acerrimos duces Romæ reliquisset; semper vigilavi, et providi, Quirites, quemadmodum in tantis et tam absconditis insidiis salvi esse possemus. Nam tum, cùm ex urbe Catilinam ejiciebam (non enim jam vereor hujus verbi invidiam, cùm illa magis sit timenda, quod vivus exierit) sed tum, cum illum exterminari volebam; aut reliquam conjuratorum [a] manum simul exituram, aut eos qui restitissent, infirmos sine illo, ac debiles fore putabam. Atque ego, ut vidi, quos maximo furore et scelere esse inflammatos sciebam, eos nobiscum esse, et Romæ remansisse: in eo omnes dies noctesque consumpsi, ut quid agerent, quid molirentur, sentirem ac viderem: ut, quoniam auribus vestris, propter incredibilem magnitudinem sceleris, minorem fidem faceret oratio mea, rem ita comprehenderem, ut tum demum animis saluti vestræ provideretis, cùm oculis [b] maleficium ipsum videretis. Itaque ut comperi legatos Allobrogum, belli Transalpini, et tumultûs Gallici excitandi causâ, à P. Lentulo esse solicitatos, eosque in Galliam ad suos cives, eodem

a *turbam.* b *conjurationem.*

10. *Romulum ad deos.*] So we learn from Aurelius Victor, *cap.* 2. *de viris Illust.* When he reviewed his army at the marsh of Caprea, he vanished; a sedition subsequently arising between the patricians and plebians, Julius Proculus, a nobleman, went into the assembly, and affirmed upon oath, that Romulus had been seen by him on the Quirinal hill, in a more august form since he had gone to the gods, and that he commanded that they should abstain from seditions, and cultivate virtue, that they might be the masters of all nations. It was believed, upon his authority, a temple was built to Romulus on the Quirinal hill, where he was worshipped as a god, and was called Quirinus.

12. *Debebit is.*] He hints that he should be honoured both by the citizens and posterity, because, when consul, he preserved this city from conflagration, by which he tacitly compares himself to Romulus.

15. *Comperi.*] He found out the conspiracy by means of Sanga, the friend of the Allobroges.

16. *Allobrogum.*] The Allobroges were a people of Gaul on the Rhine, who, crossing the Alps, settled in those parts now called Savoy and Piedmont; they had for a long time maintained a war against the Romans, but were now subject to their power: they were a brave and generous people, whom the conspirators attempted to bring over to their party.

Ib. *Transalpini.*] When the Roman arms were employed in farther Gaul, he calls it war; but when in hither Gaul, he

itinere cum literis mandatisque ad Catilinam esse missos, comitemque iis adjunctum Vulturcium, atque huic datas esse ad Catilinam literas: [a] facultatem mihi oblatam putavi, ut, quod erat difficillimum, quodque ego semper optabam à diis immortalibus, tota res non solum à me, sed etiam à Senatu, et à vobis manifestè deprehenderetur. Itaque hesterno die L. Flaccum, et C. Pomptinum Prætores, fortissimos, atque amantissimos reipublicæ viros, ad me vocavi: rem omnem exposui: quid fieri placeret, ostendi. Illi autem qui omnia de republ. præclara atque egregia sentirent, sine recusatione, ac sine ulla mora negotium susceperunt, et cum advesperasceret, occulte ad pontem Milvium pervenerunt: atque ibi in proximis villis ita bipartiti fuerunt, ut Tiberis inter eos, et pons interesset; [b] eodem autem et ipsi, sine cujusquam suspicione, multos fortes viros eduxerunt; et ego de præfectura Reatina complures delectos adolescentes, quorum opera utor assidue in reipublicæ præsidio, cum gladiis miseram. Interim tertia fere vigilia exacta, cum jam pontem cum magno comitatu legati Allobrogum ingredi inciperent, unàque Vulturcius; fit in eos impetus: educuntur et ab illis gladii, et a nostris: res erat Prætoribus nota solis: ignorabatur à cæteris. Tum interventu Pomptini, atque Flacci, pugna, quæ erat commissa, sedatur: literæ quæcunque erant in eo comitatu, [c] integris signis, Prætoribus traduntur: ipsi comprehensi, ad me, cum jam dilucesceret, deducuntur. Atque horum omnium scelerum improbissimum [d] machinatorem Cimbrum Gabinium, statim ad me, nihil dum suscipantem vocavi. Deinde item arcessitur P. Statilius, et post eum Cethegus: tardissime autem Lentulus venit, credo, quòd literis dandis præter consuetudinem proximâ nocte vigilarat. Cùm vero summis ac clarissimis hujus civitatis viris, qui, auditâ re, frequenter ad me mane convenerant, literas à me prius aperiri, quàm ad Senatum referri placeret, ne, si nihil esset inventum, [e] temerè à me tantus tumultus injectus civitati videretur; negavi me esse facturum, ut de periculo publico non ad concilium publicum rem integram deferrem. Etenim, Quirites, si ea, quæ erant ad me delata, reperta non essent; tamen ego non arbitrabar in tantis reip. periculis esse mihi nimiam diligentiam pertimescendam. Senatum frequentem celeriter, ut vidistis, coëgi; atque interea statim, admonitu Allobrogum, C. Sulpicium Prætorem, fortem virum, misi, qui ex ædi-

a *occasionem.* b *huc.* c *non apertis.* d *auctorem.* e *imprudenter.*

calls it an insurrection. The difference lies in this, that war is a word of more extensive meaning, and was not accounted so formidable as an insurrection. Cicero, thus speaks of each of them, in his 8 *Phil. lip.* There can be war without an insurrection, but there can be no insurrection without war.

18. *Cum literis mandatisque.*] The Allobrogian ambassadors, were sent with letters and recommendations, to Cataline, by which he was told to put confidence in them.

23. *L. Flaccum.*] Cicero afterwards defended L. Flaccus in a trial for extortion.

27. *Pontem Milvium.*] Pons Milvius was over the Tiber, towards Etruria, sixteen *stadii* from Rome.

31. *Præfectura Reatina.*] Reate was a town of the Sabines, the country of Varro; here fairs were held, and here the Roman magistrates, held their courts of justice.

33. *Tertia vigilia.*] The night was divided into four watches, of three hours each; the first commenced at sunset, and the last ended at sunrise, so that the third watch began at midnight, and ended at three o'clock in the morning, supposing the sun to rise at six.

52. *Admonitu Allobrogum.*] From this remark, it is evident that the Allobrogian

bus Cethegi, si quid telorum esset, efferret: ex quibus ille maximum sicarum numerum, et gladiorum extulit. Introduxi Vulturcium sine Gallis: fidem ei publicam jussu Senatûs dedi: hortatus sum, ut ea quæ sciret, sine timore indicaret. Tum ille dixit, cùm vix se ex magno timore recreasset, à P. Lentulo se habere ad Catilinam mandata et literas, ut servorum præsidio uteretur, et ad urbem quamprimum cum exercitu accederet: id autem eo consilio, ut, cum urbem omnibus ex partibus, quemadmodum [a] descriptum distributumque erat, incendissent, cædemque infinitam civium fecissent, præstò esset ille, qui et fugientes [b] exciperet, et se cum his urbanis ducibus conjungeret. Introducti autem Galli jusjurandum sibi et literas à P. Lentulo, Cethego, Statilio ad suam gentem datas esse dixerunt: atque ita sibi ab his et à L. Cassio esse præscriptum, ut equitatum in Italiam quamprimum mitterent, pedestres sibi copias non defuturas: Lentulum autem sibi confirmasse ex fatis Sibyllinis, haruspicumque responsis, se esse tertium illum Cornelium, ad quem regnum urbis hujus, atque imperium pervenire esset necesse: Cinnam ante se, et Sullam fuisse: eundem que dixisse, fatalem hunc esse annum ad interitum hujus urbis atque imperii, qui esset decimus annus post virginum absolutionem, post Capitolii autem incensionem vicesimus; hanc autem Cethego cum cæteris controversiam fuisse dixerunt, quòd, cùm Lentulo et cæteris, Saturnalibus cædem fieri, atque urbem incendi placeret, Cethego nimium id longum videretur. Ac ne longum sit, Quirites, [c] tabellas proferri jussimus, quæ à quoque dicebantur datæ, primum ostendimus Cethego signum: cognovit; nos linum incidimus: legi-

a *partitum et divisum.* b *reciperet* et occideret. c *literas.*

ambassadors, were aware of the conspiracy.

56. *Fidem publicam.*] That is, he had promised impunity to Vulturcius, on the public faith; for, without the consent of the Senate, a promise given by the Consul was not valid.

59. *Mandata.*] Vulturcius had commands from P. Lentulus to Cataline, which were to be given by word of mouth.

68. *Ex fatis Sibyllinis.*] The Sibylline oracles, were called *fata, et casus, et interitus fatales;* because they were supposed to contain predictions of future events.

Ib. *Haruspicumque responsis.*] The *Haruspex* or *Aruspex* was so called, according to the most common opinion, *quia in ara exta animalium inspicit.* Donatus, however, gives another derivation: he says, *Haruspex ab harugo nominatur; nam Harugo dicitur hostia ab hara in qua concluditur et servatur.* But *hara* is the place in which the flocks are shut up.

69. *Tertium Cornelium.*] Lentulus said, that it appeared from the Sibylline books, that he was the third Cornelius for whom the kingdom was destined. For there had been three K's written in these verses, which the Greeks interpreted of the Cappadocians, Cilicians, and Cretans; but the Romans applied them to the three persons of the name of Cornelius, viz. Cinna, Sylla, and Lentulus.

71. *Fatalem hunc.*] As he said that he had understood from the Haruspices that this year would be fatal, which was foreboded as bloody to the Republic.

72. *Post virginum absolutionem.*] Not long before this conspiracy, Fabia, a vestal virgin, plead her cause of incest: Cataline accused her. But being the sister of Terentia, Cicero's wife, she was acquitted, as he informs us.

73. *Capitolii incensionem.*] During the consulship of L. Scipio and C. Norbo, through the negligence of the guards, the capitol was set on fire, a little before the time of Sylla; which was afterwards rebuilt by Q. Catulus, in the consulship of Hortensius and Metellus.

75. *Saturnalibus.*] The day of the feast of Saturn, which was the 14th of February, was selected to commence the work of slaughter; at which time, the whole city was given up to festivity and mirth.

78. *Cethego signum.*] Before the letters were opened, that no one should remain

mus; erat scriptum ipsius manu, Allobrogum Senatui et populo, sese, quæ eorum legatis confirmasset, esse facturum; orare, ut item illi facerent, quæ sibi legati eorum [a] præcepissent. Tum Cethegus, qui paulo antè aliquid tamen de gladiis ac sicis, quæ apud ipsum erant deprehensæ, respondisset, dixissetque se semper bonorum ferramentorum studiosum fuisse, recitatis literis debilitatus atque abjectus, conscientiâ convictus repente conticuit. Introductus Statilius, cognovit et signum et manum suam; recitatæ sunt tabellæ in eandem fere sententiam: confessus est; tum ostendi tabellas Lentulo, et quæsivi cognosceret ne [b] signum; annuit: est vero, inquam, signum quidem notum, imago avi tui, clarissimi viri, qui amavit unice patriam, et cives suos; quæ quidem te â tanto scelere etiam muta revocare debuit.

III. Leguntur eâdem ratione ad Senatum Allobrogum populumque literæ; si quid de his rebus dicere vellet, feci potestatem. Atque ille quidem primo negavit: post autem aliquanto, toto indicio exposito atque edito, surrexit: quæsivit à Gallis, quid sibi esset cum iis, quamobrem domum suam venissent; itemque à Vulturcio; qui cùm illi breviter constanterque respondissent, per quem ad eum, quotiesque venissent; quæsissentque ab eo, nihilne secum esset de fatis Sibyllinis locutus: tum ille subito, scelere [c] demens, quanta vis conscientiæ esset, ostendit; nam cum id posset inficiari, repente præter opinionem omnium confessus est: ita eum non modò ingenium illud, et dicendi exercitatio, quâ semper valuit, sed etiam propter vim sceleris manifesti atque deprehensi, impudentia, quâ superabat omnes, improbitasque defecit. Vulturcius vero subitò proferri literas, atque aperiri jussit, quas sibi à Lentulo ad Catilinam datas esse dicebat. Atque ibi vehementissime perturbatus Lentulus, tamen et signum et manum suam cognovit; erant autem scriptæ sine nomine, sed ita: QUI SIM, EX EO, QUEM AD TE MISI, COGNOSCES. CURA UT VIR SIS, ET COGITA, QUEM IN LOCUM SIS PROGRESSUS: ET VIDE, QUID JAM TIBI SIT NECESSE. CURA UT OMNIUM TIBI AUXILIA ADJUNGAS, ETIAM [d] INFIMORUM. Gabinius deinde introductus, cùm primò impudenter respondere cœpisset, ad extremum nihil ex iis, quæ Galli insimulabant, negavit. Ac mihi quidem, Quirites, cum illa certissima sunt visa argumenta atque indicia sceleris, tabellæ, signa, manus, denique uniuscujusque confessio: tum multo illa certiora, color, oculi, vultus, ta-

a *exposuissent.* b *imaginem.* c *attonitus.* d *servorum.*

unconvinced, he was ordered to recognize the seal which was on them.

83. *Ferramentorum.*] Iron instruments of any kind were called *ferramenta*. It is here put by metonomy for any kind of arms.

89. *Avi.*] P. Lentulus was this grandfather who slew Gracchus, a seditious person, and received a severe wound, lest any thing should be detracted from the dignity of the republic. But observe, that they often had the heads of illustrious men engraven upon their rings.

6. *Per quem.*] By P. Umbrenus.

7. *Ab eo.*] Namely, from Lentulus.

16. *Qui sim, ex eo, quem ad te misi, cognosces.*] This letter from Lentulus to Cataline is expressed a little differently by Sallust, who gives it as follows: *Qui sim, ex eo, quem ad te misi, cognosces. Fac cogites, in quanta calamitate sis; et memineris, te esse virum; consideras, quid tuæ rationes postulent; auxilium petas ab omnibus, etiam ab infimis.* You can learn who I am from him that brings you this letter. Reflect on the dangerous situation in which you are, and acquit yourself like a man. Consider well what your present circumstances require, and seek assistance from all, even the lowest.

turnitas; sic enim obstupuerant, sic terram intuebantur, sic furtim nonnunquam [a] inter se aspiciebant, ut non jam ab aliis indicari, sed indicare se ipsi viderentur. Indiciis expositis atque editis, Quirites, Senatum consului de summa reipub quid fieri placeret; dictæ sunt à principibus acerrimæ ac fortissimæ sententiæ, quas Senatus sine ulla varietate est consecutus. Et quoniam nondum est perscriptum S. C. ex memoria vobis, Quirites, quid Senatus censuerit, exponam. Primum mihi gratiæ verbis amplissimis aguntur; quod virtute, consilio, prudentiâ meâ respub. periculis sit maximis liberata: deinde L. Flaccus et C. Pomptinus Prætores, quod eorum opera forta fidelique usus essem, merito ac jure laudantur: atque etiam viro forti, collegæ meo, C. Antonio laus impertitur, quòd eos, qui hujus conjurationis participes fuissent, à suis et à reipub. consiliis removisset; atque ita censuerunt, ut P. Lentulus, cùm se Prætura abdicasset, cùm in custodiam traderetur: itemque uti C. Cethegus, L. Statilius, P. Gabinius, qui omnes præsentes erant, in custodiam traderentur: atque idem hoc decretum est in L. Cassium, qui sibi procurationem incendendæ urbis depoposcerat: in M. Cæparium, cui ad solicitandos pastores Apuliam esse attributam erat indicatam: in P. Furium, qui est ex his colonis quos Fesulas L. Sulla deduxit: in Q. Magium Chilonem qui unà cum hoc Furio semper erat in hac Allobrogum solicitatione versatus: in P. Umbrenùm, libertinum hominem, à quo primum Gallos ad Gabinium perductos esse constabat. Atque eâ lenitate Senatus est usus, Quirites, ut ex tanta conjuratione, tantaque vi ac multitudine domesticorum hostium novem hominum perditissimorum pœnâ, repub. conservata, reliquorum mentes sanari posse arbitraretur. Atque etiam supplicatio diis immortalibus pro singulari eorum merito, meo nomine decreta est, Quirites: quod mihi primum post hanc urbem conditam togato contigit: et his decreta verbis est, QUOD URBEM INCENDIIS, CÆDE CIVES, ITALIAM BELLO LIBERASSEM. Quæ supplicatio si cum cæteris conferatur, Quirites, hoc interest, quod cæteræ bene gestâ, hæc una, conservatâ repub. constituta

a *aspiciebant se mutuo*

29. *A principibus.*] The order of voting in the Senate was as follows: He whom the censors of the Senate had chosen for president, gave his opinion first, then the men of consular dignity, and lastly, the other senators.

37. *C. Antonio.*] This Antony was Cicero's colleague in the consulship. He at first favoured Cataline, but was recalled from the conspiracy by Cicero. *Vide Sal.*

39. *Se Prætura abdicasset.*] Corrupt and dishonest citizens were stripped of all their honours before any punishment was inflicted upon them, because magistrates were held sacred.

Ib. *In custodiam.*] They were not taken into public custody, but were given into the charge of certain private citizens, where they were retained in secret, lest they should be drawn out in some tumult of the people.

52. *Supplicatio.*] A supplication, or thanksgiving, was decreed by the Senate, when any general obtained a remarkable advantage in war; when they went in solemn procession, to return thanks at all the temples and shrines of the gods.

54. *Togato contigit.*] This was accounted the greatest honour, as it had never before been decreed to an officer wearing the robes of peace and remaining in the city.

57. *Quod cæteræ bene gesta.*] He means, that thanksgivings had been decreed to others for their good fortune in war; but to Cicero for preserving the commonwealth from ruin, and defeating the designs of its enemies without recourse to arms. Cotta, a man of distinguished abilities, and who deserved well of the republic, proposed this thanksgiving; to which the Senate agreed without one dissenting voice.

est. Atque illud, quod faciendum primum fuit, factum atque transactum est; nam P. Lentulus, quanquam patefactus indiciis, et confessionibus suis, judicio Senatûs, non modò Prætoris jus, verum etiam civis amiserat; tamen magistratu se àbdicavit: ut quæ religio C. Mario, clarissimo viro, non fuerat, quo minus C. Glauciam, de quo nihil nominatim erat decretum, Prætorem occideret, ea nos religione, in privato P. Lentulo puniendo liberaremur.

IV. Nunc, quoniam, Quirites, sceleratissimi periculosissimique belli nefarios duces captos jam, et comprehensos tenetis; existimare debetis, omnes, Catilinæ copias, omnes spes, atque opes, his depulsis urbis periculis, concidisse. Quem quidem ego cum ex urbe pellebam, hoc providebam animo, Quirites, remoto Catilina, nec mihi esse P. Lentuli somnum, nec L. Cassii adipem, nec C. Cethegi furiosam temeritatem pertimescendam. Ille erat unus timendus ex his omnibus, sed tamdiu, dum mœnibus urbis continebatur; omnia nôrat: omnium aditus tenebat: [a] appellare, tentare, solicitare poterat, audebat: erat ei consilium ad facinus aptum: consilio autem neque lingua, neque manus deerat; jam ad cæteras res conficiendas certos homines delectos ac [b] descriptos habebat: neque vero cum aliquid mandaverat, confectum putabat: nihil erat, quod non ipse obiret, occurreret, vigilaret, laboraret: frigus, sitim, famem ferre poterat. Hunc ego hominem tam acrem, tam paratum, tam audacem, tam callidum, tam in scelere vigilantem, tam in perditis rebus diligentem, nisi ex domesticis insidiis in [c] castrense latrocinium compulissem (dicam id, quod sentio, Quirites) non facile hanc tantam [d] molem mali à cervicibus vestris depulissem; non ille vobis Saturnalia constituisset, neque tanto antè exitium, ac fati diem reipubl. denuntiasset; neque commisisset, ut signum, ut literæ suæ, testes denique manifesti sceleris deprehenderentur; quæ nunc, illo absente, sic gesta sunt, ut nullum in privata domo furtum unquam sit tam palam inventum, quàm hæc tanta in repub. conjuratio manifestò inventa atque deprehensa est. Quòd si Catilina in urbe ad hanc diem remansisset: quanquam quoad fuit, omnibus ejus consiliis occurri atque obstiti, tamen, ut levissime dicam, dimicandum nobis cum illo fuisset: neque nos unquam, dum ille in urbe hostis fuisset, tantis periculis rempublicam tanta pace, tanto otio, tanto silentio liberassemus. Quanquam hæc omnia, Quirites, ita sunt

a *salutare.* b *dispositos.* c *bellum et castra.* d *magnitudinem.*

61. *Magistratu se abdicavit.*] Plutarch says, that he put off his purple garment, in the midst of the Senate, and put on one more suitable to his condition.

Ib. *Quæ religio.*] He commends this action of his, by comparing it with what was done by Marius; for he did not delay any time, that he might kill Glaucia, who followed Saturninus, the tribune of the people, plotting against the Republic. But he was bound by no obligation to do so; whereas Cicero himself was bound: for it was not only decreed, that the consuls should take care that the Republic received no injury, but that they should deliver Lentulus into custody. But Marius, had only been commanded to take care of the Republic, nothing being said about Glaucia.

64. *In privato Lentulo.*] When he had resigned his magistracy, he was esteemed nothing more than a private person. In this he argues from the less to the greater.

7. *Ille erat.*] Cataline was most to be feared, as he understood the art of soliciting, and enticing others.

9. *Tentare.*] Cataline sounded every person's mind, to find whether he was for or against the republic.

19. *Saturnalia constituisset.*] The appointed time for burning the city.

26. *Ut Levissime dicam.*] That I may

à me administrata, ut deorum immortalium nutu atque consilio et gesta et provisa esse videantur; idque cum conjectura consequi possumus, quod vix videtur humani consilii tantarum rerum gubernatio esse potuisse: tum vero ita præsentes his temporibus opem et auxilium nobis tulerunt, ut eos pene oculis videre possemus. Nam ut illa omittam, visas nocturno tempore ab Occidente faces, ardoremque cæli, ut fulminum jactus, ut terræ motus, cæteraque, quæ tam multa, nobis consulibus, facta sunt, ut hæc, quæ nunc fiunt, [a] canere dii immortales viderentur: hoc certe, Quirites, quod sum dicturus, neque prætermittendum, neque relinquendum est. Nam profecto memoria tenetis, Cotta et Torquato COSS complures in Capitolio turres de cælo esse percussas, cum et simulacra deorum immortalium depulsa sunt, et statuæ veterum hominum dejectæ, et legum æra liquefacta. Tactus est etiam ille qui hanc urbem condidit, Romulus; quem inauratum in Capitolio parvum atque lactentem, uberibus lupinis inhiantem fuisse meministis. Quo quidem tempore, cum haruspices ex tota Etruria convenissent, cædes atque incendia, et legum interitum, et bellum civile ac domesticum, et totius urbis atque imperii occasum appropinquare dixerunt, nisi dii immortales omni ratione placati [b] suo numine prope fata ipsa flexissent. Itaque ex illorum responsis tunc et ludi decem per dies facti sunt, neque res ulla quæ ad placandum deos pertineret, prætermissa est; iidemque jusserunt simulacrum Jovis facere majus, et in excelso collocare, et contra atque ante fuerat, ad Orientem convertere: ac se sperare dixerunt, si illud signum quod videtis, solis ortum, et forum curiamque conspiceret, fore, ut ea consilia quæ clam essent inita contra salutem urbis atque imperii, illustrarentur, ut à S. P. Q. R. perspici possent. Atque illud ita collocandum Consules illi statuerunt: sed tanta fuit operis tarditas, ut neque à superioribus consulibus, neque à nobis ante hodiernum diem collocaretur. Hic quis potest esse, Quirites, tam [c] aversus à vero, tam præceps, tam mente captus, qui neget hæc omnia quæ videmus, præcipueque hanc urbem, deorum immortalium nutu atque potestate

a *prænuntiare.* b *sua potestate.* c *perversus.*

not use more harsh and severe words; for a civil war was to be carried on against him.

34. *Ut eos.*] We can see the gods, though they are invisible. He says this on account of the prodigies which were seen in these days, and which seemed to portend something to the Republic.

35. *Ab Occidente faces.*] These were most probably fiery meteors, which were seen in the west; among which there may have been a comet.

36. *Fulminum jactus.*] Vargunteius Pompey was killed by lightning.

Ib. *Terræ motus.*] Spoletum was shaken by an earthquake, and some houses fell.

40. *Cotta et Torquato Coss.*] In the year of the city 688, at which time the first conspiracy took place. *De qua Sall.*

Ib. *Complures in Capitolio.*] The strongest citadel was on the rock Tarpeius, in which were many towers.

42. *Legum æra.*] The twelve tables of the law, which were written upon brass, as Livy, *lib.* 3. says.

43. *Romulus.*] The statue of Romulus.

44. *Lactentem.*] Romulus was represented sucking a wolf.

45. *Haruspices ex tota Etruria.*] The Tuscans cultivated this science more than any other people, as it was first invented by Tages, who was of that nation. The Senate decreed, that six of the sons of the principal nobility should be sent to that country, that they might be instructed in this art, that it might not be corrupted.

49. *Prope fata.*] The divine decrees, or fates, cannot be changed; but, according to Tages, they can be delayed ten years.

57. *Consules illi.*] Cotta and Torquatus.

58. *Superioribus consulibus.*] L. Cæsar and C. Figulus were consuls before Cicero.

administrari? Etenim cum esset ita responsum, cædes, incendia, interitumque reipublicæ comparari, et ea à perditis civibus; quæ tum propter magnitudinem scelerum nonnullis incredibilia videbantur, ea non modò cogitata à nefariis civibus, verum etiam suscepta esse sensistis. Illud vero nonne ita præsens est, ut nutu Jovis Optimi Maximi factum esse videatur, ut, cùm hodierno die mane per forum meo jussu et conjurati, et eorum indices in ædem Concordiæ ducerentur, eo ipso tempore signum statueretur? quo collocato, atque ad vos Senatumque converso, omnia et Senatus, et vos, quæ erant contra salutem omnium cogitata, illustrata, et patefacta, vidistis. Quo etiam majore sunt isti odio supplicioque digni, qui non solum vestris domiciliis atque tectis, sed etiam deorum templis atque delubris sunt funestos ac nefarios ignes inferre conati: quibus ego si me restitisse dicam, nimium mihi [a] sumam, et non sim ferendus; ille, ille Jupiter restitit; ille Capitolum, ille hæc templa, ille hanc urbem, ille vos omnes salvos esse voluit. Diis ego immortalibus ducibus hanc mentem, Quirites, voluntatemque suscepi, atque ad hæc tanta indicia perveni. Jam vero illa Allobrogum solicitatio, sic à Lentulo cæterisque domesticis hostibus, tanta res, tam dementer credita et ignotis et barbaris, commissæque literæ nunquam essent profecto, nisi à diis immortalibus [b] huic tantæ audaciæ consilium esset ereptum. Quid vero? ut homines Galli ex civitate male pacata, quæ gens una restat quæ populo Rom. bellum facere et posse, et non nolle videatur, spem imperii, et rerum amplissimarum ultro sibi à patriciis hominibus oblatam negligerent, vestramque salutem suis opibus anteponerent: id nonne divinitus factum esse putatis? præsertim qui nos non pugnando, sed tacendo superare potuerunt.

PERORATIO.

V. Quamobrem, Quirites, quoniam ad omnia pulvinaria supplicatio decreta est, celebratote illos dies cum conjugibus ac liberis vestris. Nam multi sæpe honores diis immortalibus justi habiti sunt ac debiti, sed profecto justiores nunquam. Erepti enim estis ex crudelissimo ac miserrimo interitu, et erepti sine cæde, sine sanguine, sine exercitu, sine dimicatione: togati, me uno togato duce et imperatore, vicistis. Etenim recordamini, Quirites, omnes civiles dissensiones, neque solum eas quas audistis, sed et has, quas vosme-

a *arrogabo.* b *tam audacibus.*

68. *In ædem Concordiæ.*] Cicero had called the Senate together in the temple of Concordia. There were three temples of Concordia at Rome: one in the area of Vulcan, another in the citadel, and a third in the forum.

75. *Non sim ferendus.*] He declares, that it was the great kindness of the gods that preserved the temples and city from conflagration, which he could not arrogate to himself without the greatest impiety.

80. *Tanta res, tam dementer.*] The design of so great a conspiracy and so pernicious a war, could not have been committed to strangers and barbarians without the greatest infatuation; for so our author calls the Allobrogians: it being usual with the Romans to call foreign nations, except the Greeks, barbarians.

83. *Ex civitate malè pacatâ.*] There appears to have been a city called Allobroges: this is said to be in an unsettled condition, because it would not bear the Roman yoke, under which it had been brought by Q. Fabius, who was called Allobrogius.

1. *Ad omnia pulvinaria.*] These shrines were couches, which were spread about the temple when a feast was served up to the gods; which kind of sacrifice was called *lectisternium or epulum.*

2. *Celebrato teillos dies.*] Boys crowned, matrons, and virgins went about the city, singing songs composed in honour of the gods.

ipsi meministis et vidistis. L. Sulla P. Sulpicium oppressit; ex urbe ejecit C. Marium custodem hujus urbis; multosque fortes viros partim ejecit ex civitate, partim interemit; Cn. Octavius Cos. armis ex urbe collegam suum expulit: omnis hic locus acervis corporum et civium sanguine redundavit. ℟ Superavit postea Cinna cum Mario; tum vero clarissimis viris interfectis, lumina civitatis exstincta sunt. Ultus est hujus victoriæ crudelitatem postea Sulla: ne dici quidem opus est, quanta dimutione civium, et quanta calamitate reipub. Dissensit M. Lepidus à clarissimo et fortissimo viro Q. Catulo; attulit non tam ipsius interitus reipub. luctum, quam cæterorum. Atque illæ dissensiones erant hujusmodi, Quirites, quæ non ad delendam, sed ad commutandam rempub. pertinerent; non illi nullam esse rempub. sed in ea quæ esset, se esse principes; neque hanc urbem conflagrare, sed se in hac urbe florere voluerunt. Atque illæ tamen omnes dissensiones, quarum nulla exitium reipub. quæsivit, ejusmodi fuerunt, ut non reconciliatione concordiæ, sed internecione civium [a] dijudicatæ sint. In hoc autem uno post hominum memoriam maximo crudelissimoque bello (quale bellum nulla unquam barbaria cum sua gente gessit; quo in bello lex hæc fuit à Lentulo, Catilina, Cassio, Cethego constituta, ut omnes qui salvâ urbe salvi esse possent, in hostium numero [b] ducerentur) ita me gessi, Quirites, ut omnes salvi conservaremini: et cum hostes vestri tantum civium superfuturum putassent, [c] quantum infinitæ cædi restitisset: tantum autem urbis, quantum flamma [d] obire non potuisset: et urbem, et cives integros incolumesque servavi. Quibus pro tantis rebus, Quirites, nullum ego à vobis præmium virtutis, nullum [e] insigne honoris, nullum monumentum laudis postulo, præterquam hujus diei memoriam sem-

a *terminatæ.* b *haberentur.* c *reliquum fuisset* facta *cæde infinita.*
d *attingere.* e *nullum triumphum.*

9. *Sulpicium oppressit*] When, by a decree of the Senate, the command of the Mithridatic war was given to Sylla, Marius contrived by means of Sulpicius, a tribune of the people, that this decree should be reversed by the people, and himself appointed. In the mean time, Sylla, pretending to march to the Mithridatic war, turns his army upon Rome: he fights with Marius and Sulpicius in the city; the latter is slain, and the former flies into Africa.

10. *Custodem hujus urbis.*] Marius was truly the keeper of the city, on account of the termination which he put to the Cimbric war. He was the friend of Arpinas and Cicero, whom he always praises.

11. *Cn. Octavius.*] Cn. Octavius had Cornelius Cinna for his colleague: Octavius took the part of Sylla, and expelled Cinna, on account of certain pernicious laws to which Octavius was opposed. Being thus driven out, he was deposed from his consulship, and declared an enemy to his country. Marius, returning from Africa, joins himself with Cinna: they besiege Rome, and take and drench it with the blood of its most noble citizens.

14. *Lumina.*] Q. Catulus, Merula, Crassus, Scavola, M. Antony, and C. Cæsar, all the best of orators, were slain on this occasion.

16 *Quanta diminutione civium*] Appianus says, that there were slain of the Equestrain order two thousand six hundred and ninety senators: fifteen of whom were men of consular dignity. And Tit. Livy, *lib.* 88. informs us that all Italy was filled with slaughter; so that he was advised by Fufidius to permit some to live, or else he should have none over whom to rule.

17. *Dissentit M. Lepidus.*] M. Lepidus differed from him, both because he hindered the burial of Sylla in the Campus Martius, which honour had only been granted to kings, and because he attempted to rescind the acts of Sylla.

18. *Ipsius interitus.*] Lepidus fought with Catulus in the Campus Martius: being conquered by a great slaughter of his men, he fled into Sardinia, and there died.

21. *Neque hanc urbem conflagrare.*] All those of whom he had spoken, wished either to change the state of the Republic, or only to rule in it; but Cataline wished to overturn it utterly.

piternam. In animis ego vestris omnes triumphos meos, omnia ornamenta honoris, monumenta gloriæ, laudis insignia, condi et collocari volo; nihil me mutum potest delectare, nihil tacitum, nihil denique hujusmodi, quod etiam minus digni assequi possint. Memoria vestra, Quirites, nostræ res alentur, sermonibus crescent, [a] literarum monumentis inveterascent et corroborabuntur: eandemque diem intelligo, quam spero æternam fore, et ad salutem urbis, et ad memoriam consulatûs mei propagatam: unoque tempore in hac republica duos cives exstitisse, quorum alter fines vestri imperii, non terræ, sed cæli regionibus terminaret; alter ejusdem imperii domicilium sedemque servaret. Sed quoniam earum rerum quas ego gessi, non est eadem fortuna atque conditio, quæ illorum qui externa bella gesserunt: quod mihi vivendum sit cum illis, quos vici ac subegi: isti hostes aut interfectos, aut oppressos reliquerunt: vestrum est, Quirites, si cæteris recta sua facta prosunt, mihi mea ne quando obsint, providere; mentes enim hominum audacissimorum sceleratæ ac nefariæ ne vobis nocere possent, ego providi: ne mihi noceant, vestrum est providere. Quanquam, Quirites, mihi quidem ipsi nihil jam ab istis noceri potest; magnum enim est in bonis præsidium, quod mihi in perpetuum comparatum est: magna in republica dignitas, quæ me semper tacita defendet; magna vis est conscientiæ, quam qui negligent, cùm me violare volent, se ipsi indicabunt. Est etiam in nobis is animus, Quirites, ut non modò nullius audaciæ cedamus, sed etiam omnes improbos ultro semper lacessamus. Quod si omnis impetus domesticorum hostium depulsus à vobis se in me unum converterit; vobis erit providendum, Quirites, quâ conditione posthac eos esse velitis, qui se pro salute vestra obtulerint invidiæ, periculisque omnibus. Mihi quidem ipsi quid est quod jam ad vitæ fructum possit acquirere, præsertim cum neque in honore vestro, neque in gloria virtutis quidquam videam altius, quò quidem mihi libeat ascendere? Illud perficiam profecto, Quirites, ut ea quæ gessi in consulatu, privatus tuear, atque ornem: ut, siqua est invidia in conservandâ republicâ suscepta, lædat invidos, mihi valeat ad gloriam. Denique ita me in republica [b] tractabo, ut meminerim semper quæ gesserim, curemque ut ea virtute, non casu gesta esse videantur. Vos, Quirites, quoniam jam nox est, veneramini illum Jovem, custodem hujus urbis ac vestrûm; atque in vestra tecta discedite; et ea, quanquam jam periculum est depulsum, tamen, æque ac priori nocte, custodiis vigillisque defendite. Id ne vobis diutius faciendum sit, atque ut in perpetua pace esse possitis, providebo, Quirites.

a *historiis.* b *geram.*

43. *Duos cives.*] Himself and Pompey: for Pompey had just finished the Mithridatic war; and he had freed the city from conflagration, and the citizens from slaughter.

50. *Mea obsint.*] Envy, which proceeded from the conspirators who yet remained, might be hurtful to Cicero.

64. *Videam altius.*] The consul was appointed for the good of the people, than which dignity there was none greater in the republic.

70. *Jam nox est.*] It appears that this oration was delivered near night.

71. *Illum Jovem.*] He exhorts them to a veneration of Jupiter Stator, in whose temple his first oration against Cataline was delivered.

75. *Providebo.*] He promises to have a decree of the Senate to punish the conspirators, and that he would execute it as soon as possible.

ORATIO QUARTA

IN

L. CATILINAM.

IN SENATU.

The flight of Cataline, and the apprehension of his accomplices who remained in the city, had now almost extinguished the hopes of the conspirators; and Rome was thought to be in comparative safety. But when it was rumoured that an attempt would be made, by the friends of those that were in confinement, to rescue them by force, Cicero called together the Senate to deliberate on their punishment, in order that they might be disposed of according to their crimes. As soon, therefore, as he had moved the question, What was to be done with the conspirators? Silanus, the consul elect, being called upon to speak first, advised that those who were then in custody, with the rest who should afterwards be taken, should all be put to death. To this all seemed to assent, till Julius Cæsar spoke in favour of a milder punishment. Cæsar's arguments were not without their influence on the assembly; and some, even of Cicero's friends, began to think it the safest plan to pursue his advice. Cicero, observing the weight of Cæsar's eloquence, when he rose to put the question, delivered the following oration, in which he expresses his opinions with all the skill both of the orator and statesman; and while he seems to show a perfect neutrality, and to give equal commendation to both opinions, artfully labours to turn the scale in favour of Silanus', which he considered as a necessary example of severity in the present circumstances of the republic.

EXORDIUM.

Sic hortatur Senatum Cicero de conjuratorum pœna ferre sententiam fortitèr, ut tacitè eos occidendos esse suadeat.

I. VIDEO, P. C. in me omnium vestrûm [a] ora atque oculos esse conversos: video vos non solum de vestro ac reipublicæ, verum etiam, si id depulsum sit, de meo periculo esse solicitos. Est mihi jucunda in [b] malis, et grata in dolore, vestra erga me voluntas: sed eam, per deos immortales quæso, deponite; atque obliti salutis meæ, de vobis ac de liberis vestris cogitate. Mihi quidem si hæc conditio consulatûs data est, ut omnes acerbitates, omnes dolores cruciatusque perferrem; feram non solum fortiter, sed etiam libenter, dummodo meis laboribus vobis populoque Romano dignitas salusque pariatur. Ego sum ille Consul, P. C. cui non forum, in quo omnis æquitas continetur; non campus consularibus auspiciis consecratus;

INTERPRETATIO.

a *vultus.* b *periculis.*

NOTES.

7. *Data.*] He says that the consulship was given to him, as if by fate and the decree of the gods, that he might undergo many hardships.

10. *Non forum.*] He was in danger from Cataline even in the forum.

Ib. *In quo omnis æquitas.*] They sat in judgment in the forum, where equity should reign.

11. *Non campus.*] In the Campus Martius, the magistrates were elected after the omens were consulted. He was forced to come hither covered with a coat of mail, as was said in a former oration.

non curia, summum auxilium omnium gentium; non domus, commune perfugium; non lectus ad quietem datus; non denique hæc sedes honoris, sella curulis, unquam vacua mortis periculo, atque insidiis fuit. Ego multa tacui, multa pertuli, multa concessi, multa meo quodam dolore in vestro timore sanavi. Nunc si hunc exitum consulatûs mei dii immortales esse voluerunt, ut vos, P. C. populumque Romanum ex cæde misera, conjuges liberosque vestros, viginesque Vestales ex acerbissima vexatione; templa atque delubra, hanc pulcherrimam patriam omnium nostrûm ex fœdissima flamma; totam Italiam ex bello, et vastitate eriperem; quæcunque mihi uni proponetur fortuna, subeatur. Etenim si P. Lentulus suum nomen, inductus à vatibus, fatale ad perniciem reipublicæ fore putavit; cur ego non læter, meum consulatum ad salutem reipublicæ prope fatalem exstitisse. Quare, P. C. consulite vobis, prospicite patriæ; conservate vos, conjuges, liberos, fortunasque vestras: populi Romani nomen salutemque defendite: [a] mihi parcere ac de me cogitare desinite. Nam primum debeo sperare, omnes deos, qui huic urbi præsident, pro eo mihi ac mereor, relaturos gratiam esse; deinde si quid obtigerit, æquo animo paratoque moriar; neque enim turpis mors forti viro potest

[a] *misereri mei.*

12. *Non Curia.*] Cataline threatened Cicero in the Senate chamber: for Plutarch tells us, that Cataline said that there were two bodies in the Republic; one of which had a head, but was weak; the other was without a head, but was strong and powerful: to which he would unite himself as a head.

Ib. *Commune perfugium.*] Plutarch, in his life of the Gracchi, informs us, that among the ancient Romans, it was not lawful to impeach any one, whilst at home, not even in a capital cause; but the crier, standing before his house, cited him with a trumpet.

13. *Non lectus ad quietam.*] Two knights were sent before, by the conspirators, that early in the morning they might kill Cicero in his bed, wherefore he was not free from danger even in his bed.

14. *Sella curulis.*] The *curule* magistrates were the Consuls, Censors, Prætors, and Œdiles. They were so called according to Festus, because they were carried in a chariot, in which there was an ivory seat, or at least one covered with ivory, with crooked feet, on which the magistrates themselves sat.

16 *Exitum consulatûs.*] Because Cicero spoke this oration on the nones of December, and the consuls elect entered upon their magistracy on the calends of January, the end of his consulship was at hand.

18. *Vestales.*] The Vestals were so called, because they were sacred to Vesta, and took care of her perpetual fire. Their institution was long before the founding of Rome; if indeed Æneas built a temple for them, when he founded Lavinum. Dionysius says, that Numa Pompilius was the first to settle the vestal virgins at Rome.

19. *Templa atque delubra.*] *Templa*, according to Donatus, are places noted for soothsaying, and consecrated to the gods; but *delubra* are the places where the images of the gods are placed.

22. *Subeatur.*] He proposes to himself, that all things should be borne bravely and generously, which are to be endured for the safety of his country.

Ib. *Suum nomen.*] The name of Cornelius, of which, in the preceding oration, *Paragra.* 2. *not, ad* 1. 69. But this place is taken by contraries. For Lentulus, as if an enemy to his country, is opposed to Cicero, its preserver.

Ib. *A vatibus.*] By *vates* he intends soothsayers, and the verses of the Sibyls. Of which, see the preceding oration. *Paragra.* 2. *not. ad.* 1. 69.

24. *Fatalem exstitisse.* He speaks after the manner of the Stoics, who thought that all things happened by fate, as if it was in the power of fates that the republic should be preserved by him.

28. *Urbi præsident.*] The ancients believed, that every city had its tutelary gods. See *Macrob. lib.* 1. *Saturn.* Whence the Romans, when they were about to besiege a city, first endeavoured to propitiate its tutelary gods.

29. *Relaturos gratiam.*] The gods are said to reward, when they do good to their worshippers.

30. *Turpis mors.*] That is a base death

accidere, neque immatura consulari, nec misera sapienti. Nec tamen ego sum ille ferreus, qui fratris carissimi atque amantissimi præsentis mœrore non movear, horumque omnium lacrymis, à quibus me [a] circumsessum videtis: neque meam mentem non domum sæpe revocat exanimata uxor, abjecta metu filia, et parvulus filius, quem mihi videtur amplecti respublica tanquam obsidem consulatûs mei; neque ille, qui exspectans hujus exitum diei adstat in conspectu meo gener; moveor his rebus omnibus, sed in eam partem, ut salvi sint vobiscum omnes, etiam [b] si vis aliqua me oppresserit, potius quam ut et illi, et nos una reipub peste pereamus. Quare, P. C. incumbite ad reipub. salutem: circumspicite omnes procellas. quæ impendent, nisi providetis; non Tib. Gracchus, qui iterum tribunus plebis fieri voluit: non C. Gracchus, qui agrarios concitare conatus est: non L. Saturninus, qui C. Memmium occidit, in discrimen aliquod, atque in vestræ severitatis judicium adducitur. Tenentur ii, qui ad urbis incendium, ad vestrûm omnium cædem, ad Catilinam accipiendum Romæ [c] restiterunt; tenentur literæ, signa, manus, denique uniuscujusque confessio: solicitantur Allobroges: [d] servitia excitantur: Catilina arcessitur: id est, initum consilium, ut, interfectis omnibus, nemo ne ad deplorandum quidem reip. nomen, atque ad lamentandam tanti imperii calamitatem relinquatur. Hæc omnia indices detulerunt, rei confessi sunt, vos multis jam judiciis judicavistis; primum, quod mihi gratias egistis singularibus verbis, et mea virtute atque diligentia perditorum hominum patefactam esse conjurationem decrevistis: deinde, quod P. Lentulum, ut se abdicaret prætura coëgistis: tum, quod eum, et cæteros, de quibus judicavistis, in custodiam dandos censuistis: maximeque, quod meo nomine supplicationem decrevistis, qui honos

a *circumdatum.* b *pereundum sit mihi* c *remanserunt.* d *servi.*

which comes from a base cause; but it would be glorious for Cicero, if he should die in the defence of his country.

31. *Immatura consulari.*] That death is premature which comes before the race of glory is finished; since, then, Cicero had come to the consulship, the highest dignity, he could not be overtaken by a premature death.

Ib. *Misera sapienti.*] The Stoics thought that a wise man was happy, even in the midst of torments.

32. *Fratris carissimi.*] His brother Quintus, his other relations, and his neighbours were present, that they might see what would be the termination of the matter, and whether the conspirators would be punished with death. Plutarch says, that Quintus strongly urged Cicero to punish the conspirators.

35. *Exanimata uxor.*] He says, that his wife Terentia, was afflicted with fear and terror.

Ib. *Filia.*] Cicero's daughter, was called Tullia; she is said to have excelled in beauty, manners, and learning.

Ib. *Parvulus filius.*] Cicero's son was called Marcus, after his father Marcus; subsequently to the death of his father, he was colleague of Augustus Cæsar in the consulship, as Plutarch tells us.

36. *Tanquam obsidem.*] They were called hostages, who were given by the conquered to the conqueror; but here hostage is put for the surety of Cicero's consulship. For as Cicero loved his son dearly, he was a pledge that he would undertake nothing, unless that which was for the public good, because the life and safety of his chidren, depended on the life and safety of the Republic.

37. *Gener.*] Tullia, the daughter of Cicero, had three husbands. Piso was the first, as appers *ex lib.* 1. *Epist. famil.* Crassipes the second, and Dolabella the third; he here speaks of *Calp. Piso.*

42. *Tiberius Gracchus.*] Tiberius was slain by Scipio Nasica, when he desired to be made a tribune of the people, according to Livy *lib.* 58.

43. *Agrarios.*] He intends those seditious persons who favoured the Agrarian law, that the lands might be distributed among them.

48. *Solicitantur Allobroges.*] The Allobroges were enticed by the followers of

togato habitus ante me est nemini: postremò, hesterno die præmia legatis Allobrogum, Titoque Vulturcio dedistis amplissima; quæ sunt omnia ejusmodi, ut ii, qui in custodiam nominatim dati sunt, sine ulla dubitatione à vobis damnati esse videantur.

PROPOSITIO.

Proponit conjuratos morte multandos esse; primum ambiguè; et celeriter, propter imminens periculum.

II. Sed ego institui referre ad vos, P. C. tanquam integrum, et de facto, quid judicetis; et de pœna, quid censeatis; illa [a] prædicam, quæ sunt consulis. Ego magnum in republica versari furorem, nova quædam misceri et concitari mala jampridem videbam: sed hanc tantam, tam exitiosam haberi conjurationem à civibus nunquam putavi. Nunc quicquid est, quocumque vestræ mentes inclinant atque sententiæ, statuendum vobis ante noctem est. Quantum facinus ad vos delatum sit, videtis; huic si paucos putatis [b] affines esse, vehementer erratis. Latius opinione disseminatum est hoc malum: manavit non solum per Italiam, verum etiam transcendit Alpes, et [c] obscure serpens multas jam provincias occupavit. Id opprimi [d] sustentando ac prolatando nullo pacto potest; quacunque ratione placet, celeriter vobis vindicandum est.

PARTITIO ET CONTENTIO.

Proponit utramque sententiam, ac ita discutit, ut Cæsaris quasi popularem laudet, sed Silani, in quam inclinat, latius explicit.

III. Video duas adhuc esse sententias: unam D. Silani, quis censet eos, qui hæc delere conati sunt, morte esse multandos: alteram C. Cæsaris, qui mortis pœnam removet, cæterorum suppliciorum omnes acerbitates amplecitur. Uterque et pro sua dignitate, et pro rerum magnitudine in summa severitate versatur. Alter eos, qui nos omnes, qui populum Romanum vita privare conati sunt, qui delere imperium, qui populi Romani nomen exstinguere, punctum temporis frui vitâ et hoc communi [e] spiritu non putat oportere: atque hóc genus pœnæ sœpe in improbos cives in hac republ. esse usurpatum recordatur. Alter intelligit, mortem, à diis immortalibus non esse supplicii causâ constitutam, sed aut necessitatem naturæ, aut laborum ac miseriarum quietem esse; itaque eam sapientes nunquam inviti, fortes etiam sæpe libenter oppetiverunt; [f] vincula vero, et ea sempiterna, certe ad singularem pœnam nefarii sceleris inventa sunt; itaque municipiis dispertiri jubet. Habere videtur ista res iniquitatem,

a *præmonebo.* b *conscios.* c *latenter.* d *ferendo et defferendo.*
e *aere* f *perpetuus carcer.*

Cataline, as appears from the letters which they had sent to the Allobrogian Senate.

61. *Damnati videantur.*] Sallust informs us, that the Senate had judged that these conspirators had acted contrary to the interest of the republic.

1. *Silani.*] Silanus, the consul elect, and C. Cæsar gave their opinions first, and were followed by the others without any particular order.

11. *Necessitatem naturæ.*] When any one died from extreme old age, or from disease, he was said to die by a necessity of nature, because it is necessary that all things should die.

12. *Quietum esse.*] When any one killed himself, then death was called a rest by them; for why does he desire to die, unless to free himself from some inconvenience.

15. *Habere videtur, &c.*] Cicero here states a dilemma, whether it was proper

si imperare velis: difficultatem, si rogare; decernatur tamen, si placet. Ego enim [a] suscipiam, et, ut spero, reperiam, qui id, quod salutis omnium causâ statueritis, non putet esse suæ dignitatis recusare. Adjungit gravem pœnam municipibus, si quis eorum vincula ruperit: horribles custodias circundat, et digna scelere hominum perditorum sancit; ne quis eorurum pœnam, quos condemnat, aut per Senatum, aut per populum levare possit: eripit etiam spem, quæ sola hominem in miseriis consolari solet; bona præterea publicari jubet: vitam solam relinquit nefariis hominibus: quam si eripuisset, multas uno dolore animi ac corporis, et omnes scelerum pœnas ademisset. Itaque ut aliqua in vita formido improbis esset posita, apud inferos ejusmodi quædam illi antiqui supplicia impiis constituta esse voluerunt; quod videlicet intelligebant, his remotis, non esse mortem ipsam pertimescendam. Nunc, P. C. ego [b] mea video quid intersit; si eritis secuti sententiam C. Cæsaris, quoniam hanc is in republica viam, quæ popularis habetur, secutus est, fortasse minus erunt, hoc auctore et cognitore hujusce sententiæ, mihi [c] populares impetus pertimescendi: sin illam alteram secuti eritis; nescio an amplius mihi negotii contrahatur; sed tamen meorum periculorum rationes utilitas reipublicæ vincat. Habemus enim à C. Cæsare, sicut ipsius dignitas, et majorum ejus amplitudo postulabat, sententiam, tanquam obsidem perpetuæ in rempublicam voluntatis; intellectum est quid intersit inter lenitatem concionatorum, et animum verè popularem, saluti populi consulentem. Video de istis, qui se populares haberi volunt, abesse non neminem, ne de capite videlicet civium Romanorum sententiam ferat; is et nudiustertius in custodiam cives Romanos Cethegum, et P. Lentulum dedit, et supplicationem mihi decrevit, et indices hesterno die maximis præmiis affecit. Jam hoc nemini dubium est, qui reo custodiam, quæsitori gratulationem, indici præmium decrevit, quid de tota re et causa judicarit. At vero C. Cæsar intelli-

a *recipiam* in me. b *video quam utile sit mini.* c *populi.*

to ask the free towns, or to command them to receive the conspirators, which disproves both of them.

16. *Decernatur.*] That is, let it be decreed by the Senate that they are to be distributed through the free towns, and no one will attempt to release them.

22. *Levare possit.*] Unless he desires to be considered an enemy to his country.

25. *Uno dolore animi et corporis.*] If the conspirators were put to death, they would be free from all pain, both of body and mind; but he here speaks according to the opinion of Cæsar, who thought that the soul died with the body.

26. *Apud inferos.*] Cicero, *lib.* 1. *Tuscul. quæst.* denies that there is a hell.

33. *Illam alteram.*] He speaks of the opinion of Silanus, the consul elect.

34. *Negotii contrahatur.*] He declares that the danger is the same to himself, whether he followed the opinion of Silanus or of Cæsar.

36. *Tanquam obsidem.*] He praises the opinion of Cæsar, as if he thought well of the republic, for many truly suspected that he favoured the conspirators, others suspected that by the more lenient punishment, he sought dominion over the people.

38. *Concionatorum.*] By demagogues, he intends either that tribe of citizens who held seditious assemblies, or those who collected all the winds and storms of these assemblies.

40. *Non neminem.*] He here blames a certain unknown senator, who, that he might be popular, had absented himself from the Senate on that day. He places Cæsar above him, who is truly popular, and desirous of the public safety.

44. *Quæsitori.*] Himself, because he detected the conspiracy.

Ib. *Gratulationem.*] He speaks of the thanksgiving which was decreed by the Senate. See the preceding oration, *Parag.* 3, *not. ad l.* 52.

git, legem Semproniam esse de civibus Romanis constitutam: qui autem reipub. sit hostis, eum civem esse nullo modo posse: denique ipsum latorem legis Semproniæ, jussu populi pœnas reip. dependisse; idem etiam ipsum Lentulum largitorem et prodigum non putat, cum de pernicie reip. et exitio hujus urbis tam acerbe tamque creduliter cogitarit, appellari posse popularem. Itaque homo mitissimus atque lenissimus non dubitat P. Lentulum [a] æternis tenebris vinculisque mandare: et sancit in posterum, ne quis hujus supplicio [b] levando se jactare, et in pernicie reipub. posthac popularis esse possit; adjungit etiam publicationem bonorum, ut omnes animi cruciatus et corporis, etiam egestas ac mendicitas consequatur. Quamobrem sive hoc statueritis; dederitis mihi comitem ad concionem populo Romano carum atque jucundum: sive illam Silani sententiam sequi malueritis; facile me, atque vos á crudelitatis vituperatione defendetis: atque obtinebo, eam multo leviorem fuisse. Quanquam, P. C. quæ potest esse in tanti sceleris immanitate punienda crudelitas? Ego enim de meo sensu judico. Nam ita mihi salvâ rep. vobiscum perfrui liceat, ut ego, quod in hac causa vehementior sum, non atrocitate animi moveor (quis enim est me mitior?) sed singulari quadam humanitate, et misericordia. Videor enim mihi hanc urbem videre, lucem orbis terrarum, atque arcem omnium gentium, subito uno incendio concidentem: cerno animo sepulta in patria miseros, atque insepultos acervos civium: versatur mihi ante oculos aspectus Cethegi, et furor, in vestra cæde bacchantis. Cum verò mihi proposui regnantem Lentulum, sicut ipse se ex fatis sperasse confessus est: purpuratum esse hunc Gabinium; cum exercitu venisse Catilinam: tum lamentationem matrumfamilas, tum fugam virginium, atque puerorum, ac vexationem virginum Vestalium perhorresco: et quia mihi vehementer hæc videntur misera atque miseranda, idcirco in eos, qui ea perficere voluerunt, me severum vehementemque præbeo.

IV. Etenim quæro, si quis paterfamilias, liberis suis à servo interfectis, uxore occisa, incensa domo, supplicium de servis quam acerbissimum sumpserit, utrum is clemens ac misericors, an inhumanus et crudelissimus esse videatur? mihi vero [c] importunus ac ferreus, qui non dolore ac cruciatu nocentis, suum dolorem cruciatumque lenierit. Sic nos in his hominibus, qui nos, qui conjuges, qui liberos nostros

a *detrudere in perpetuum carcerem.* b *minuendo.* c *crudelis.*

46. *Legem Semproniam.*] By the law proposed by C. Gracchus, it was decreed, that without the command of the Roman people no Roman citizen should be put to death; but this law does not favour the conspirators; for they, being judged enemies, are not entitled to the right of citizens.

48. *Dependisse.*] Gracchus was slain by Opimius, as if the author of this pernicious law, and thus he atoned to the Republic for his crimes.

49. *Largitorem.*] He is called *largitor* who, in hopes of some dignity, bestows and lavishes his money upon the people; but *prodigus* is one who spends his money in frolicing parties.

70. *Purpuratum Gabinium.*] Purple was the sign of royal power; on account of which the Roman consuls wore a certain purple scarf on their gowns, by which they might show the authority of their magistracy.

74. *Misera atque miseranda.*] Cælius says, that these two words differ thus: that *miser* is he who is afflicted with deserved punishment; but *miserandus* who suffers undeservedly.

5. *Dolorem.*] Namely, grief occasioned by the killing of his wife and children, and the burning of his house.

trucidare voluerunt; qui singulas uniuscujusque nostrûm domos, et hoc universum reipublicæ domicilium delere conati sunt; qui id egerunt ut gentem Allobrogum in vestigiis hujus urbis, atque in cinere deflagrati imperii collocarent: si vehementissimi fuerimus, misericordes habebimur: sin remissiores esse voluerimus, summæ nobis crudelitatis in patriæ civiumque pernicie fama subeunda est. Nisi vero cuipiam L. Cæsar, vir fortissimus, et amantissimus reipub. crudelior nudiustertius est visus, cum sororis suæ, fœminæ lectissimæ, virum præsentem et audientem vita privandum esse dixit; cùm avum jussu Coss. interfectum, filiumque ejus impuberem legatum à patre missum in carcere necatum esse dixit. Quorum quod simile fuit factum? quod initum delendæ reip. consilium? Largitionis voluntas tum in republica versata est, et partium quædam contentio. Atque illo tempore hujus avus Lentuli, clarissimus vir, armatus Gracchum est persecutus, et grave tum vulnus accepit, ne quid de summa dignitate reipub. minueretur: hic ad evertenda fundamenta reip. Gallos arcessivit, servitia concitavit, Catilinam evocavit, attribuit nos trucidandos Cethego, cæteros cives interficiendos Gabinio, urbem inflammandam Cassio, totam Italiam vastandam diripiendamque Catilinæ. Vereamini, censeo, ne in hoc scelere tam immani ac nefario, nimis aliquid severe statuisse videamini: cùm multo magis sit verendum, ne remis-

10. *Si vehementissimi.*] He says, that there would be manifested the greatest kindness to our country, if the conspirators were punished; but the greatest inhumanity, if they were spared.

12. *Nisi vero.*] He proves, by the example of L. Cæsar, that it would not be cruel treatment to the conspirators if they should be slain; and remarks that if Lentulus, his sister's husband, whom he then saw in the senate was the leader of the conspiracy, he would consider him as worthy of death.

14. *Sororis suæ.*] The sister of L. Cæsar and wife of Lentulus was called Julia, and was the mother of Antony by her former marriage, who afterwards became a triumvir. Plutarch, in his life of Antony, informs us, that the punishment of Lentulus, was the origin of the enmity that afterwards existed between Cicero&Antony

15. *Cum avum.*] He now confirms what Cæsar said, viz. that Lentulus should suffer death, because his grandfather, who was guilty of a far less crime, was slain by the command of Opimius the consul. M. Fulvius Flaccus was the maternal grandfather of L. Cæsar; for L. Cæsar, the father of this Lucius, married his daughter.

16. *Filiumque ejus impuberem.*] He had a son, scarcely twenty years old, whom he sent to propose conditions of peace; a most accomplished youth, whose elder brother had perished in battle, but he was slain in prison.

17. *Quorum quod simile factum.*] They had thought of no such crime as that of Lentulus, who therefore was worthy of a far more grievous death.

18. *Largitionis voluntas.*] Gracchus wished that lands would be given to the poorer citizens, clothing to the soldiers, without any diminution of their pay, &c: by these largesses he was suspected of seeking after the supreme command.

19. *Partium quædam contentio.*] The people and senate, or patricians, contended much among themselves.

20. *Hujus avus Lentuli.*] In that sedition, as *Valer. Max. lib. 5. cap.* 3. relates, P. Lentulus the grandfather of this seditious Lentulus, a most illustrious citizen, and one who loved his country, defeated the nefarious attempts, and the army of C. Gracchus, in a battle; in which he received many wounds.

22. *Hic ad evertenda fundamenta.*] He argues from the less to the greater; for if Gracchus was judged to be worthy of death on suspicion, or because he appeared to threaten the dignity of the people, of how much severer punishment should he be thought worthy who wished to overturn the foundations of Republic.

Ib. *Gallos arcessivit.*] He calls the Allobrogians, Gauls, to excite envy; because the Gauls were much hated by the Romans.

23. *Attribuit nos.*] His part had been assigned to each of the conspirators, as has been already said in these orations; but it was assigned to Cethegus to kill Cicero and the senators.

25. *Vereamini, censeo.*] Irony; for there was no doubt of their being put to death.

sione pœnæ crudeles magis in patriam, quàm ne severitate animadversionis nimis vehementes in acerbissimos hostes fuisse videamini. Sed quæ exaudio, P. C. dissimulare non possum; jactantur enim voces, quæ perveniunt ad aures meas, eorum, qui vereri videntur, ut habeam satis præsidii ad ea, quæ vos staturitis hodierno die [a] transigenda. Omnia provisa, parata, et constituta sunt, P. C. cum mea summa cura atque diligentia, tum multo etiam majore populi Romani ad summum imperium retinendum, et ad communes fortunas conservandas voluntate. Omnes adsunt omnium ordinum homines; omnium denique ætatum: plenum est forum, plena templa circa forum, pleni omnes aditus hujus loci ac templi. Causa enim est, post urbem conditam hæc inventa sola, in qua omnes sentirent unum atque idem, præter eos, qui, cùm sibi viderent esse pereundum, cum omnibus potius, quam soli perire voluerunt: hosce ego homines, excipio, et secerno libenter; neque enim in improborum civium, sed in acerbissimorum hostium numero habendos puto. Cæteri vero, dii immortales! qua [b] frequentia, quo studio, qua virtute ad communem dignitatem, salutemque consentiunt? Quid ego hic equites Romanos commemorem? qui vobis ita summam ordinis consiliique concedunt, ut vobiscum de amore reip. certent: quos ex multorum annorum dissensione ad hujus ordinis societatem concordiamque revocatos, hodiernus dies vobiscum atque hæc causa conjungit; quam conjunctionem si in consulatu confirmatam meo, perpetuam in republica tenuerimus, [c] confirmo vobis, nullum posthac malum civile ac domesticum ad ullam reipub. partem esse venturum. Pari studio defendendæ reipub. convenisse video tribunos ærarios, fortissimos viros, scribas item universos; quos cum casu hic dies ad ærarium frequentasset, video ab exspectatione sortis ad communem salutem esse conversos. Om-

a *exsequenda.* b *multitudine, desiderio, fortitudine.* c *promitto.*

30. *Sed quæ exaudio.*] He uses a preterition, to anticipate those who might say, that Cicero had not a sufficient guard to put them to death, if the Senate should thus decree concerning them.

37. *Plenum est forum.*] This oration was delivered in the Roman forum, in the capitol, which was the noblest of all places.

38. *Hujus loci ac templi.*] There were various temples around the forum, through which Pompey placed guards during the trial of Milo; or, he says, *templum*, because the Senate was always convened in a sacred place.

39. *In qua omnes sentirent.*] In other contentions every one followed his own party, as in the civil tumults the nobles adhered to Sylla, and the common people to Marius; but, in this case, no one favoured Cataline and Lentulus, except a few conspirators.

44. *Ad communem dignitatem.*] By the common dignity he intends liberty, than which nothing is better for a man.

47. *Multorum annorum dissensione.*] Sempronius, a tribune of the people, had made a law, in the consulship of Q. Cæcilius and T. Quinctius, that the right of judging, which had been in the power of the Senate, should be transferred to the knights alone. Hence the senators and knights always disagreed. This privilege was afterwards transferred, by Sylla, to the senators, in the year of the city 673; and, finally, in 683, it was given, by Cotta, to the senators, knights, and tribunes of the treasury; by which means all the orders were restored to friendship.

53. *Tribunes ærarios.*] We call tribunes of the treasury receivers general, to whom Aurelius Cotta gave authority to judge with the senators and equestrian order, a law being passed to that effect.

Ib. *Scribas.*] The profession of scribes was honest; their office was to record the public acts. See the fifth action against Verres, where Cicero speaks at large concerning them.

55. *Exspectatione sortis.*] By lot the scribes performed their duty at the treasury, and they even settled by lot who

nis ingenuorum adest multitudo, etiam [a] tenuissimorum. Quis est enim cui non hæc templa, aspectus urbis, possessio libertatis, lux denique hæc ipsa, et hoc commune patriæ solum, cùm sit carum, tum vero dulce atque jucundum? [b] Operæ pretium est, P. C. libertinorum hominum studia cognoscere, qui suâ virtute fortunam civitatis consecuti, hanc vere suam patriam esse judicant: quam quidam hinc nati, et summo nati loco, non patriam suam, sed urbem hostium esse judicaverunt. Sed quid ego hujusce ordinis homines commemorem, quos privatæ fortunæ, quos communis respublica, quos denique libertas ea, quæ dulcissima est, ad salutem patriæ defendendem excitavit? servus est nemo, qui modo tolerabili conditione sit servitutis, qui non audaciam civium perditorum perhorrescat; qui non obstare cupiat; qui non tantum, quantum audet, et quantum potest, conferat ad communem salutem, voluntatis. Quare si quem vestrûm fortè commovet hoc, quod auditum est, lenonem quendam Lentuli concursare circum tabernas, pretio sperantem solicitari posse animos egentium atque imperitorum: est id quidem cœptum atque tentatum: sed nulli sunt inventi tam aut fortuna miseri, aut voluntate perditi, qui non ipsum illum sellæ atque operis, et quæstûs quotidiani locum, qui non cubile ac lectulum suum, qui denique non [c] cursum hunc otiosum vitæ suæ salvum esse velint. Multo verò maxima pars eorum qui in tabernis sunt, immo vero (id enim potius est dicendum) genus hoc universum amantissimum est [d] otii. Etenim omne eorum instrumentum, omnis opera, ac quæstus, frequentia civium sustinetur, alitur otio: quorum si quæstus, occlusis tabernis, minui solet, quid tandem incensis futurum est?

PERORATIO.

In hac peroratione postulat, et hortatur Senatum, ut Silani sententiam sequatur, cui se obtemperaturum profitetur.

V. Quæ cum ita sint, P. C. vobis populi Rom. præsidia non desunt: vos ne populo Rom. deesse videamini, providete. Habetis consulem ex plurimis periculis et insidiis, atque ex media morte, [e] non ad vitam suam, sed ad salutem vestram reservatum: omnes ordines

a *pauperrimorum.* b *est res digna.* c *hanc brevitatem vitæ pacatam.* d *pacis.* e *non ut vivat sibi.*

should go with the magistrates into the provinces.

59. *Libertinorum hominum.*] Freedmen were those who had been manumitted from slavery, and who, deserving well of their masters for their honesty and bravery, had liberty and the rights of citizens granted to them.

61. *Hinc nati.*] He intends Lentulus and Cethegus; who, though born at Rome, wished to destroy it, as if an enemy's city, with fire and sword.

66. *Tolerabili conditione.*] That servant is said to be in a tolerable condition who has not a hard and cruel master.

67. *Obstare cupiat.*] There is no one who does not desire to oppose the audacity of those conspiring citizens.

70. *Concursare.*] Sallust tells us, that the clients and freedmen of Lentulus, by taking different directions through the city, had attempted to raise the mechanics and servants, that they might bring him out of prison by force.

74. *Sellæ atque operis.*] *Sella* or *officiana*, is the place where artists make their wares, who, from this circumstance, were called *sellurari.*

Ib. *Cubile ac lectulum.*] Cicero appears to make a distinction between these words. Perhaps *cubile* is more than *lectus*, as it is assigned, by Virgil, to moles and crows, *lib.* 1. *Georg.*

76. *In tabernis sunt.*] Things to be sold were placed in warehouses by the retailers. *Taberna* is also taken for an inn, because a price is paid for lodging.

ad conservandam rempub. mente, voluntate, studio, virtute, voce consentiunt: obsessa facibus et telis impiæ conjurationis, vobis supplex [a] manus tendit patria communis: vobis se, vobis vitam omnium civium, vobis [b] arcem et Capitolium, vobis aras Penatium, vobis illum ignem Vestæ perpetuum ac sempiternum, vobis omnia deorum templa atque delubra, vobis muros atque urbis tecta commendat. Præterea de vestra vita, de conjugum vestrarum ac liberorum anima, de fortunis omnium, de sedibus, de focis vestris hodierno die vobis judicandum est. Habetis ducem memorem vestri, oblitum sui; quæ non semper facultas datur: habetis omnes ordines, omnes homines, universum populum Romanum (id quod in civili causa hodierno die primum videmus) unum atque idem sentientem. Cogitate quantis laboribus fundatum imperium, quanta virtute stabilitam libertatem, quanta deorum benignitate auctas exaggeratasque fortunas, una nox pene delerit. Id ne unquam posthac non modò confici, sed ne cogitari quidem possit, vobis, hodierno die providendum est. Atque hæc, non ut vos, qui mihi studio pene [c] præcurritis, excitarem, locutus sum, sed ut mea vox, quæ debet esse in repub. [d] princeps, officio functa consulari videretur. Nunc antequam, P. C. ad sententiam redeo, de me pauca dicam Ego, quanta [e] manus est conjuratorum, quam videtis esse permagnam, tantam me inimicorum multitudinem suscepisse video: sed eam esse judico turpem et infirmam, contemptam et abjectam. Quòd si aliquando alicujus furore et scelere concitata manus ista plus [f] valuerit quam vestra ac reipublicæ dignitas, me tamen meorum factorum atque consiliorum nunquam, P. C. pœnitebit. Etenim mors, quam illi mihi fortasse minitantur, omnibus est parata: vitæ tantam laudem, quanta vos me vestris decretis honestastis, nemo est assecutus. Cæteris enim semper bene gestæ, mihi uni conservatæ reipublicæ gratulationem decrevistis. Sit Scipio clarus, ille, cujus consilio atque virtute Hannibal in Africam redire, atque ex Italia decedere coactus est: ornetur alter eximia laude Africanus, qui duas urbes huic imperio infestissimas, Carthaginem Numantiamque delevit: habeatur vir egregius, L. Paullus ille, cujus currum rex poten-

a *precatur.* b *arcem Capitolinam.* c *prævenitis.* d *prima.* e *multitudo.* f *potuerit.*

8. *Penatium.*] The *penates* were twelve select gods, which were called country or domestic gods, because, as was supposed, they have power over us, from our birth, or are in us, by whom we breathe.

9. *Ignem vestæ.*] There was a perpetual fire upon the altar, of which the vestal virgins took care.

10. *Delubra.*] *Delubra* were little temples or chapels.

12. *De focis.*] The hearth was the place where the *Penates* and the domestic *Lares* were supposed to reside.

18. *Una nox.*] The conspirators thought to make the slaughter on the night of the feast of Satum.

26. *Sed eam.*] He says, this multitude is collected from a vile herd, from which nothing is to be feared.

33. *Sit Scipio clarus.*] Scipio Africanus, the elder, in the fifteenth year of the second Punic war, took an army over into Africa, by which Hannibal was forced to depart from Italy, and come to the aid of his country.

35. *Ornetur alter.*] The younger Africanus, the son of Paullus, was adopted by the son of the former Africanus. *Vide Flor. lib.* 2. *cap.* 1. *et* 18.

36. *Carthaginem.*] Carthage was a celebrated city of Africa, and the rival of Rome; it was founded by Dido, in the year 70, after Rome, and with Carthagena, in Spain, was destroyed by Scipio.

Ib. *Numantiam.*] Numantia was a city of Hispania Tarraconensis, on the Duro, besieged and taken by the Romans.

37. *Paullus ille.*] Plutarch wrote his life.

Ib. *Cujus currum.*] When victors tri-

tissimus quondam et nobilissimus Perses honestavit: sit in æterna gloria Marius, qui bis Italiam obsidione et metu servitutis liberavit: anteponatur omnibus Pompeius, cujus res gestæ, atque virtutes iisdem, quibus Solis cursus, regionibus ac terminis continentur; erit profecto inter horum laudes aliquid loci nostræ gloriæ: nisi fortè majus est, patefacere nobis provincias, quo exire possumus, quam curare, ut etiam illi qui absunt, habeant quò victores revertantur; quanquam est uno loco conditio melior externæ victoriæ, quam domesticæ: quòd hostes [a] alienigenæ aut oppressi serviunt, aut recepti beneficio se obligatos putant: qui autem ex numero civium dementia aliqua depravati, hostes patriæ semel esse cœperunt, eos, cùm à pernicie reipublicæ repuleris, neque vi coercere, neque beneficio placare possis. Quare mihi cum perditis civibus æternum bellum susceptum esse video: quod ego vestro bonorumque omnium auxilio, memoriaque tantorum periculorum, quæ non modò in hoc populo, qui servatus est, sed etiam in omnium gentium sermonibus ac mentibus semper hærebit, à me, atque à meis facile propulsari posse confido. Neque ulla profecto tanta vis reperietur, quæ conjunctionem vestram equitumque Romanorum, et tantam conspirationem bonorum omnium perfringere et labefactare possit. Quæ cum ita sint, patres conscripti, pro imperio, pro exercitu, pro provincia quam neglexi, pro triumpho cæterisque laudis insignibus, quæ sunt à me propter urbis vestræque salutis custodiam repudiata, pro clientelis hospitiisque provincialibus, quæ tamen urbanis opibus non minore labore tueor, quàm comparo; pro his igitur omnibus rebus, et pro meis in vos singularibus studiis, proque hac, quam conspicitis, ad conservandam rempublicam diligentia, nihil aliud à vobis, nisi hujus temporis, totiusque mei consulatûs memoriam postulo: quæ dum erit vestris mentibus infixa, firmissimo me muro septum esse arbitrabor. Quod si meam spem vis improborum fefellerit atque superaverit, commendo vobis parvum meum filium; cui profecto satis erit præsidii non solum ad salutem, verum etiam ad dignitatem, si ejus, qui hæc omnia suo solius periculo con-

a *externi.*

umphed, the conquered generals were usually led before their chariots in pomp.

39. *Marius.*] Marius conquered the Teutones and Ambrones, in the battle at Aquæ Sextia, in Provence; and the Cimbri, their allies, in the Claudian field; two hundred thousand of them, being slain, and ninety thousand taken prisoners. Vide Plutarc. *in vita Marii.*

44. *Quò victores revertantur.*] Conquerors ought to have a city, whither to return, that they may there obtain the triumph due to their valour. Whence *lib.* 1. *Offic.* Cicero tells us, that Pompey said to him, "That it would have little availed him to obtain the honour of a third triumph, unless by my prudence I had preserved him a city wherein to triumph." For when this conspiracy raged, Pompey carried on the Mithridatic war, in Asia.

46. *Recepti.*] They who gave themselves up, were received into the friendship of the Roman people.

57. *Pro imperio.*] For managing affairs well, provinces were decreed to the consuls, to be governed by them; armies were given, and triumphs granted, than which nothing contributed more to the glory of the Romans.

60. *Pro clientelis.*] They were called clients, who honoured their patrons; for Romulus, when he appointed patricians, and plebeians, permitted each plebeian to choose one of the patricians as a patron, so that there might be no dissension between these two classes, but they brought him from home, for the sake of honour, &c. *Vide Singon. lib.* 1. *cap.* 7.

Ib. *Hospitiisque provincialibus.*] Cicero had many friends in the province of Sicily.

67. *Meum filium.*] He commends his son M. Cicero to the Senate, to whom he

servaverit, illum esse filium memineritis. Quapropter de summa salute vestra, populique Romani, P. C. de vestris conjugibus ac liberis; de aris ac focis; de fanis ac templis; de totius urbis tectis ac sedibus; de imperio, de libertate, de salute Italiæ, deque universa rep. decernite diligenter ut instituistis, ac fortiter. Habetis enim consulem, qui et parere vestris decretis non dubitet, et ea quæ statueritis, quoad vivet, defendere, et per se ipsum præstare possit.

afterwards, wrote his book of offices; and who at a legitimate age, was the colleague of Octavius Augustus Cæsar in the consulship; he threw down the statues of Antony, who had caused his father to be put to death.

PRO

L. MURÆNA.

LUCINIUS MURENA was the son of L. Murena, the prætor, who obtained a triumph in the Mithridatic war. His family was of plebeian origin, but his virtues and prudent conduct obtained for him the esteem and friendship of many of the principal men of Rome. The first office to which young men were eligible was the quæstorship. This Murena obtained with Ser. Sulpicius. Shortly afterwards, he was appointed deputy to L. Lucullo, then at the head of the army in Asia, where, by his uncommon fidelity and diligence, he soon recommended himself to the notice of his commander. He was next advanced to the ædileship, then to the prætorship, and was consul elect at the time that this prosecution was entered against him. The charge was that of bribery in order to secure his election.

FROM the character of the accusers, who were Ser. Sulpicius, Cn. Postumius, and M. Portius Cato, it is highly probable that some illegal practices had been resorted to in order to gain this point; yet from this oration, the only document from which any thing can be procured in relation to the trial, it would seem that they were such only as were in general practice on such occasions. It is certain, however, that Murena was acquitted, and that the intimacy that existed between his prosecutors and Cicero was in no way interrupted. This oration was delivered A. U. C. 690, in the consulship of Antony and Cicero, before Murena entered on his office.

EXORDIUM.

Exordium duas partes habet. Prima precationem continet, quam fecit de more pro felici Murænæ consulatu, quâ eidem sibique judicum benevolentiam conciliat, eorum extollendo potentiam, quam à diis translatam habent. Secunda pars continet excusationem apud Catonem et Sulpicium, duos Murænæ accusatores.

I. QUÆ precatus sum à diis immortalibus, Judices, more institutoque majorum, illo die quo auspicatò comitiis centuriatis

NOTES.

1. *More.*] Julius Festus, *lib.* 13, on the signification of words, says, *mos* denotes thecustom of a country in relation to religious rites and ceremonies long instituted.

Ib. *Institutoque.*] Macrobius, *lib.* 3. *cap.* 8. *Saturn.* says, *institutum* is the usage of a certain author, which the common people call a commendable custom.

2. *Auspicatò.*] The omens being taken, without which nothing at all, either public or private, was done among the Romans.

Ib. *Comitiis.*] The *comitia* were assemblies of the people, legally convened by the magistrates, that they might order or prohibit something by their vote. There were three kinds of them: the *Curiata, Centuriata,* and *Tributa.* The *Curiata* were instituted by Romulus, the *Centuriata* by Serv. Tullius, the *Tributa* by the tribunes. They took their names from the manner in which the people voted: thus, in the *Curiata* they voted by *curiæ;* in the *Centuriata* by centuries; and in the *Tributa* by tribes. The *curiæ* were those thirty parts or wards into which Romulus divided the Roman people. The centuries were those assemblies of the people divided into a hundred tribes, according to the census and age. The tribes were those divisions of the people into which, according to Dionysius, they were first divided by Romulus, after he had been declared king by that rustic mob of Albanians and people from all countries.

Ib. *Centuriatis.*] The *comitia* by centuries were equitable and of the highest authority; in which the consuls and superior officers were elected by the people, divided into centuries, according to rank and age. The *Curiata* were inferior, in which the people, in a promiscuous multitude of all ages and ranks, voted for the inferior

L. Murænam consulem [a] renunciavi, ut ea res mihi [b] magistratuique meo, populo, plebique Romanæ bene atque feliciter eveniret: eadem precor ab iisdem diis immortalibus ob ejusdem hominis consulatum unà cum [c] salute obtinendum, et ut vestræ mentes atque sententiæ cum populi Rom. voluntate suffragiisque consentiant, eaque res vobis populoque Rom. pacem, tranquillitatem, otium, concordiamque afferat. Quod si illa solemnis comitiorum precatio, consularibus auspiciis consecrata, tantam habet in se vim et religionem, quantam reipublicæ dignitas postulat: idem ego sum precatus, ut eis quoque hominibus, quibus hic consulatus, me rogante, datus esset, ea res fauste, feliciter, prospereque eveniret. Quæ cum ita sint Judices, et cum omnis deorum immortalium potestas, aut translata sit ad vos, aut [d] certe communicata vobiscum: idem consul eum vestræ fidei commendat, qui antea diis immortalibus commendavit ut ejusdem hominis voce et declaratus consul, et defensus, beneficium populi Rom. cum vestra atque omnium civium salute tueatur. Et quoniam in hoc officio studium meæ defensionis ab accusatoribus, atque etiam ipsa susceptio causæ reprehensa est; antequam pro L. Muræna dicere instituo, pro me ipso pauca dicam: non quo mihi potior hoc quidem in tempore sit officii mei, quam hujusce salutis defensio: sed, ut meo facto vobis probato, majore auctoritate ab hujus honore, fama, fortunisque omnibus, inimicorum impetus propulsare possim. Et primum M. Catoni, vitam ad certam rationis normam dirigenti, et diligentissime

INTERPRETATIO.

a *declaravi.* b *consulatui.* c *absolutione.* d *saltem.*

officers and concerning military affairs. The inferior magistrates were also elected by the tribes, in which laws were passed by the common people, at the request of a magistrate. But the *comitia* were also called *calata*, not because this was a peculiar and proper kind; for at first all the *comitia* were called *calata*, because the patricians were called by the common crier, but the plebeians by a trumpeter: being thus named from the word *calare*, which signifies to call. But when this word became obsolete, the name of *calata comitia* was retained only in regard to these which were held for the college of priests, or on account of the sacred rites of the king, to inaugurate the *Flamines*, or to make deeds. Rosinus treats at large of all these *comitia*, *lib.* 6.

4. *Populo, plebique.*] *Populus* differs from *plebs* as the genus from the species: by *populus* we are to understand all the people, including the patricians and senators; but *plebs* relates to the common people exclusive of patricians and senators. Hence that law was defined *plebiscitum*, which was received by the *plebs* and not by the *populus*.

7. *Suffragiis.*] The consuls were elected by the votes of the people, by whom Murena was made consul.

9. *Quod si illa solemnis.*] He enlarges on the preceding sentence: if there is any virtue in prayer, which belongs to public right, the same efficacy is in that which belongs to private right: since, then, it is made for the whole Roman people, it is made for Murena.

11. *Eis quoque hominibus.*] When he prayed for prosperity to all the people, he also prayed for Silanus and Murena.

12. *Me rogante.*] He either says, that he presided in the *comitia* by centuries, in which Murena was elected, or that he asked the people to make Murena consul. But the consul thus asked, *Velitis, jubeatis, Quirites, hunc aut illum consulem fieri?*

17. *Beneficium pop Rom.*] He calls the consulship the kindness of the Roman people, because it was given, by their votes, to Murena, or any other consul.

25. *M. Catoni.*] By this name he intends both the Philosopher and the Stoic. As a Stoic, he directed all things to a certain rule of reason; but this is an elegant transferring of terms, such as the Greeks used when they wished to signify the greatest and most exact care. For a rule is that which the ancients called Κανονα, forming a right angle. As a philosopher, he considered all kinds of offices, even

perpendenti momenta officiorum omnium, de officio meo respondebo. Negat fuisse [a] rectum Cato, me et consulem, et legis ambitûs latorem et tam severe gesto consulatu, causam L. Murænæ attingere; cujus reprehensio me vehementer movet, non solum ut vobis, Judices, quibus maxime debeo, verum etiam ut ipsi Catoni, gravissimo atque integerrimo viro, rationem facti mei probem. A quo tandem, M. Cato, est æquius consulem defendi, quam à consule? Quis mihi in repub. potest aut debet esse conjunctior, quam is cui respub. à me uno traditur sustinenda, magnis meis laboribus et periculis sustentata? Quod si in iis rebus repetendis, quæ mancipî sunt, is periculum judicii præstare debet, qui se nexu obligavit: profecto etiam rectius in judicio consulis designati, is potissimum consul, qui consulem declaravit, [b] auctor beneficii populi Rom. defensorque periculi esse debebit. Ac si, ut nonnullis in civitatibus fierî solet, patronus huic causæ publice constitueretur, is potissime [c] honore affecto defensor daretur, qui eodem honore præditus non minus afferret ad dicendum auctoritatis quam facultatis. Quod si è portu solventibus ii, qui jam in portum ex [d] alto invehuntur, præcipere summo studio solent et tempestatum rationem, et prædonum, et locorum; quod natura affert ut eis faveamus, qui eadem pericula, quibus nos perfuncti sumus, ingrediantur: quo tandem me animo esse oportet, prope jam ex magna jactatione terram videntem, in hunc, cui video maximas reip. tempestates esse subeundas? Quare, si est boni consulis non solum videre quid agatur, verum etiam providere quid futurum sit: ostendam alio loco, quantum salutis communis intersit, duos consules in republica Kalendis Januariis esse. Quod si ita est; non tam me officium debuit ad hominis amici fortunas, quàm respublica consulem ad communem salutem defendendam

a *justum*. b *testis*. c *gerenti magistratum*. d *mari*.

the smallest parts, lest any thing should be said, insidiously, hypocritically, or fallaciously.

27. *Legis ambitûs latorem.*] *Ambitus* and *ambitio* differ in this: that the former is the name of a crime, the latter of a desire. *Ambitus* was committed when any one called the people by tribes, and asked for their votes. When, by liberality and gifts, he corrupted the people and bought their votes, he was said to be guilty of bribery, and was punished according to law. Dio says, that Cicero was the author and adviser of this law.

28. *Severe gesto.*] He executed his office of consul rigorously, particularly against Cataline, and the other companions and participators in the conspiracy who were put to death.

30. *Ipsi Catoni.*] He praises Cato, lest he should appear to injure a man of so great virtue among the Romans, and a friend to himself; according to whose counsel he, when consul, governed the republic; and which, during the rest of his life, he carefully observes, as Plutar. in *Cat.* remarks.

31. *A quo tandem.*] He shows the reasons why it was proper that he should defend Murena.

33. *A me uno.*] The consuls presided in turns in the *comitia*: Cicero presided when Murena was elected consul.

35. *Quæ mancipi sunt.*] All things which can be alienated, that is, which can pass from us into the power of another, were called *mancipi;* but that name arose from a taking of the hand, that he who bought any thing should not suffer loss.

36. *Qui se nexu obligavit.*] That is, he who sold property gave a bond that the sale should stand; but the bond was a certain solemnity of the law before five witnesses, and the paymaster, that the man should give the property in perpetual possession to him; that is, it should be delivered into his power, who had made it his own by purchase before these witnesses.

46. *Ex magna jactatione terram videntem.*] He alludes to his consulship, which was to end on the kalends of the next January, and which had been agitated with many commotions on account of Cataline's conspiracy.

50. *Duos consules.*] D. Silanus and Murèna, succeeded Cicero and Antony in the consulship.

vocare. Nam quod legem de ambitu tuli, certe ita tuli, ut eam, quam mihimetipsi jampridem tulerim de civium periculis defendendis, non abrogarem. Etenim si largitionem factam esse confiterer, idque recte factum esse defenderem; facerem improbe, etiam alius legem tulisset; cum vere nihil commissum contra legem esse defendam, quid est quod meam defensionem latio legis impediat?

II. Negat esse ejusdem severitatis, Catilinam, exitium reipub. intra mœnia molientem, verbis, et pene imperio urbe expulisse; et nunc pro L. Muræna dicere. Ego autem has partes lenitatis et misericordiæ, quas me natura ipsa docuit, semper egi libenter: illam vero gravitatis severitatisque personam non appetivi, sed ab repub. mihi impositam sustinui, sicut hujus imperii dignitas in summo periculo civium postulabat. Quod si tum, cum resp. vim et severitatem desiderabat, vici naturam, et tam vehemens fui, quàm cogebar, non quam volebam: nunc, cùm omnes me causæ ad misericordiam, atque ad humanitatem vocent, quanto tandem studio debeo naturæ meæ consuetudinique [a] servire? Ac de officio defensionis meæ, et de ratione accusationis tuæ, furtasse etiam alia in parte orationis dicendum nobis erit. Sed me, Judices, non minus hominis sapintissimi atque ornatissimi Ser. Sulpicii conquestio, quàm Catonis accusatio commovebat; qui gravissime et acerbissime se ferre dixit, me familiaritatis necessitudinisque oblitum, causam L. Murænæ contra se defendere. Huic ego, Judices, satisfacere cupio, vosque adhibere arbitros. Nam cùm grave est vere accusari in amicita, tum etiam, si falso accuseris, non est negligendum. Ego. Ser. Sulpici, me in petitione tua tibi omnia studia, atque officia pro nostra necessitudine, et debuisse confiteor, et præstitisse arbitror; nihil tibi consulatum petenti à me defuit, quod esset aut ab amico, aut à gratioso, aut à consule postulandum; abiit illud tempus: mutata ratio est: sic existimo, sic mihi persuadeo, me tibi contra honorem L. Murænæ, quantum tu à me postulare ausus sis, tantum debuisse; contra salutem nihil debere. Neque enim si tibi tum, cum peteres consulatum, affui, idcirco nunc, cum Murænam ipsum petas, adjutor eodem pacto esse debeo. Atque hoc non modò non laudari, sed ne concedi quidem potest, ut amicis nostris accusantibus, non etiam alienissimos defendamus. Mihi autem cum Muræna,

a *obedire.*

53. *Legem de ambitu.*] Cicero, when consul, had passed a law, that senators convicted of bribery should be banished for ten years; and that the punishment should be more severe against a plebeian than it had been by the Calpurnian law. He therefore answers to Cato, that it was a primary law in his conduct to undertake the defence of distressed citizens; and that the latter was not in opposition to the former in this cause, as Murena had not been guilty of corruption.

1. *Negat esse ejusdem severitatis.*] The third objection of Cato, by which he seemed to reprove Cicero of inconstancy; because he had before been severe in the cause of Cataline, and now is lenient in his defence of Murena.

19. *In petitione.*] Sulpicius sought the consulship with Murena.

20. *Studia.*] Cicero affirms, that he had favoured and wished well to Sulpicius suing for the consulship. By his zeal, he intends an inclination of mind to him; by offices, his good will.

22. *Gratioso.*] Who has great interest with many powerful persons.

23. *Me tibi contra honorem.*] He shows that it is proper for him to defend Murena, because Sulpicius does not think of seeking for honour or the consulship, but of destroying him, and it is right to assist friends in danger.

Judices, et vetus, et magna amicitia est, quæ in capitis dimicatione à Ser. Sulpicio non idcirco obruetur, quòd ab eodem [a] in honoris contentione superata est. Quæ si causa non esset; tamen vel dignitas hominis, vel honoris ejus, quem adeptus est, amplitudo summam mihi superbiæ crudelitatisque [b] famam inussisset, si hominis et suis, et pop. Rom. ornamentis amplissimi causam tanti periculi repudiassem. Neque enim jam mihi licet, neque est integrum, ut meum laborem [c] hominum periculis sublevandis non imperitam. Nam cum præmia mihi tanta pro hâc industriâ sint data, quanta antea nemini: labores, per quos ea ceperis, cum adeptus sis, deponere, esset hominis et astuti, et ingrati. Quod si licet desinere, si te auctore possum, si nulla inertiæ, nulla superbiæ turpitudo, nulla inhumanitatis culpa suscipitur, ego vero libenter desino. Sin autem fuga laboris, desidiam; repudiatio supplicum, superbiam: amicorum neglectio, improbitatem coarguit: nimirum hæc causa est ejusmodi, quam nec industrius, nec misericors, nec officiosus deserere possit. Atque hujusce rei conjecturam de tuo ipsius studio, Servi, facillime ceperis. Nam si tibi necesse putas etiam adversariis amicorum tuorum de jure consulentibus respondere; et, si turpe existimas, te advocato, illum ipsum, quem contra veneris, [d] causa cadere: noli tam esse injustus, ut, cum tui fontes vel inimicis tuis pateant, nostros rivulos etiam amicis putes clausos esse oportere. Etenim si me tua familiaritas ab hac causa removisset, et si hoc idem Q. Hortensio, M. Crasso clarissimis viris, si item cæteris, à quibus intelligo tuam gratiam magni æstimari, accidisset: in ea civate consul designatus defensorem non haberet, in qua nemini unquam infimo majores nostri patronum deesse voluerunt. Ego vero, judices, ipse me existimarem nefarium, si amico; crudelem, si misero; superbum, si consuli defuissem. Quare, quod dandum est amicitiæ, large dabitur à me; ut tecum agam, Servi, non secus, ac si meus esses frater, qui mihi est carissimus: isto in loco quod tribuendum est officio, fidei, religioni, id ita moderabor, ut meminerim me contra amici studium, pro amici periculo dicere.

a *in petitione consulatûs.* b *attulisset infamiam.* c *defendendis reis.* d *perdere litem.*

30. *In capitis dimicatione.*] *Dimicatio capitis* is taken for a capital cause. But that is a capital cause, when punishment is inflicted upon him that is guilty of a capital crime; to which not only the highest punishment, but even exile belongs, and by which a citizen is deprived of the right of citizenship.

32. *Quæ si causa non esset.*] Friendship, which commands us to stand by our friends, was the cause of this defence of Murena.

35. *Ornamentis amplissimi.*] Murena was distinguished by many honours: he was of an illustrious family, his father had been quæstor and prætor, and was himself renowned for virtue and military fame. The Roman people had testified their approbation, by raising him to the ædileship, the prætorship, and now to the consulship.

37. *Præmia tanta.*] Cicero appears to assert, that he was made consul on account of his zeal and labour in his professional duties.

40. *Astuti et ingrati.*] He is crafty and ungrateful, who disappoints the Roman people, and only seeks his own interest. He produces the example of Sulpicius himself, to excuse his defence; who, being a lawyer, was obliged to counsel his enemies according to law. Why, then, should not an orator defend his friends?

48. *Te advocato.*] He is called an advocate, who states the law in a trial, or who gives his presence for a friend; it is here taken in the former signification.

Ib. *Quem contra veneris.*] The adversary of your friend, against whom you may have come at another time and in another trial.

50. *Fontes vel inimicis tuis pateant.*]

PARTITIO.

Tres habet partes. 1ª *Muræna non est reprehendendus.* 2ª *Non est inferior Sulpicio dignitate.* 3ª *Non est ambitûs reus.*

CONTENTIO.

Tres partes continent: 1ª *vitæ reprehensionem.* 2ª *Contentionem dignitatis.* 3ª *Crimen ambitûs.*

PRIMA PARS.

De vitæ reprehensione.

III. Intelligo, Judices, tres totius accusationis partes fuisse, et earum unam in reprehensione vitæ, alteram in contentione dignitatis, tertiam in criminibus ambitûs esse versatam.

IV. Atque harum trium partium prima illa, quæ gravissima esse debebat, ita fuit infirma et levis, ut illos [a] lex magis quædam accusatoria, quam vera maledicendi facultas de vita. L. Murænæ dicere aliquid coëgerit. Objecta est enim Asia, quæ ab hoc non ad voluptatem et luxuriam expetita est, sed in militari labore peragrata; qui si adolescens, patre suo imperatore, non [b] meruisset; aut hostem, aut patris imperium timuisse, aut à parente repudiatus videretur; an, cum sedere in equis triumphantium prætextati potissimum filii soleant, huic donis militaribus patris triumphum decorare fugiendum fuit, ut rebus communiter gestis pene simul cum patre triumpharet? Hic vero, Judices, et fuit in Asia, et viro fortissimo, parenti suo, magno adjumento in periculis, solatio in laboribus, gratulationi in victoria fuit. Et si habet Asia suspicionem luxuriæ quandam, non Asiam nunquam vidisse, sed in Asia continenter vixisse, laudandum est. Quamobrem non Asiæ nomen objiciendum Murænæ fuit, ex qua laus familiæ, memoria generi, honos et gloria nomini constituta est: sed aliquod aut in Asia susceptum, aut ex Asia deportatum flagitium ac dedecus. Meruisse vero stipendia in eo bello, quod tum populus Ro-

a *consuetudo.* b *militasset.*

The profession of law was so sacred among the ancients, that lawyers would not refuse an opinion, even to an enemy.

4. *Asia.*] T. Livy, *lib.* 34. says, that Asia was filled with all the attractions of sensuality, and that the Roman luxury, arose from thence; and *lib.* 39. that the principle of foreign luxury was introduced into the city, by the Asiatic army.

6. *Patre suo imperatore.*] L. Murena, his father, was lieutenant to Sylla in Asia, in the Mithridatic war: when Sylla, having made peace with Mithridates, returned to Rome, on account of the civil commotions, he renewed the war with Mithridates. For he was left with two legions to secure the tranquillity of Asia, and to oblige Mithridates, to make good his promises.

8. *Prætextati potissimum filii.*] Tarquinius Priscus was the first, who, when triumphing over the Sabines, gave his son, who was fourteen years old, a golden *bulla* and *prætexta*, because he had struck an enemy in that war. They were called *prætextati* from *prætexta*. Among the Romans, their generals who entered the city in triumph, were allowed to have their children and relations of both sexes, who were under age, along with them in the chariot: and, if they were large, they rode upon the triumphal horses; if there was a greater number of them than could be conveniently accommodated either of those ways, then they were suffered to ride behind the chariot upon single horses.

9. *Donis militaribus.*] Those were called military gifts which were given by a general, about to triumph, to his soldiers, on account of their bravery: they were such as crows, garlands, bracelets, spear-staves without iron heads, trappings, *cornicula*, &c.

Ib. *Fugiendum fuit.*] Irony; as if it had been avoided least Murena should grace the triumph of his father, because

manus non modò maximum, sed etiam solum gerebat, [a] virtutis; parte imperatore libentissime meruisse, pietatis: finem stipendiorum patris victoriam ac triumphum fuisse, felicitatis fuit. Maledicto quidem idcirco nihil in hisce rebus loci est, quod omnia laus occupavit. Saltatorem appellat L. Murænam Cato; maledictum est, si verè objicitur, vehementis accusatoris: sin falsò, maledici conviciatoris. Quare, cùm ista sis auctoritate, non debes, M. Cato, arripere maledictum ex trivio, aut ex scurrarum aliquo convicio, neque temere consulem populi Romani saltatorem vocare: sed conspicere, quibus præterea vitiis affectum esse necesse sit eum, cui vere istud objici possit. Nemo enim fere saltat sobrius, nisi forte insanit; neque in solitudine, neque in convivio moderato atque honesto. [b] Tempestivi convivii, amœni loci, multarum deliciarum comes est extrema, saltatio. Tu mihi arripis id, quod necesse est omnium vitiorum esse postremum: relinquis illa, quibus remotis, hoc vitium omnino esse non potest; nullum turpe convivium, non amor, non comissatio, non libido, non sumptus ostenditur. Et cùm ea non reperiantur, quæ voluptatis nomen habent, quæque vitiosa sunt; in quo ipsam luxuriam reperire non potes, in eo te umbram luxuriæ reperturum putas? Nihil igitur in vitam L. Murænæ dici potest? nihil, inquam, omnino, Judices; sic à me consul designatus defenditur, ut ejus nulla fraus, nulla avaritia, nulla perfidia, nulla crudelitas, nullum petulans dictum in vita proferatur. Bene habet: jacta sunt fundamenta defensionis: nondum enim nostris laudibus, quibus utar postea, sed prope inimicorum confessione, virum bonum, atque integrum hominem defendimus. Quo constituto, facilior est mihi aditus ad contentionem dignitatis; quæ pars altera fuit accusationis.

SECUNDA PARS.

De contentione dignitatis.

Hæc pars tres comptectitur alias. 1am *Murænam esse parem ge genere Sulpicio.* 2am *Parem Quæstura.* 3am *Arte superiorem.*

V. Summam video esse in te, Ser. Sulpici, [c] dignitatem generis, integritatis, industriæ, cæterorumque ornamentorum omnium, quibus fretum ad consulatûs petitionem aggredi par est. Paria cognosco esse ista in L. Muræna, atque ita paria, ut neque ipse dignitate vinci potuerit, neque te dignitate superarit. Contempsisti L. Murænæ genus; extulisti tuum. Quo loco si tibi hoc [d] sumis, nisi qui patricius sit, neminem bono esse genere natum; facis ut rursus plebs in Aventinum

a *fortitudinis* b *in longum protracti.* c *nobilitatem.* d *arrogas.*

he had spent his life in Asia, in a base manner; for his father triumphed over Mithridates after Sylla.

19. *Sed etiam solum.*] The war of Sertorius had not yet broke out in Spain, which arose before Lucullus went against Mithridates.

26. *Neque temere consulem populi Romani saltatorem vocare.*] Cicero's defence here is somewhat remarkable, and seems manifestly to imply that dancing was in a high degree disreputable among the Romans. It appears, indeed, from the preface to Cornelius Nepos, that, though this accomplishment was held in high estimation among the Greeks, yet the Romans made very little account of it; but they did not condemn all kinds of dancing.

32. *Vitiorum esse postremum.*] He reproves Cato, because, though the other manners of Murena were correct, which he does not condemn, he laid hold upon the last and most base reproach of all.

6. *Patricius.*] They were called patricians who sprung from the first Senators, which Romulus instituted.

7. *In Aventinum.*] There were three

sevocanda esse videatur. Sin autem sunt amplæ et honestæ familiæ plebeiæ; et proavus L. Murænæ et avus Prætores fuerunt; et pater, cùm amplissime atque honestissime ex prætura triumphasset, hoc faciliorem huic gradum consulatûs adipiscendi reliquit, quòd is jam patri debitus, à filio petebatur. Tua vero nobilitas, Ser. Sulpici, tametsi summa est, tamen hominibus literatis, et historicis est notior; populo verò, et suffragatoribus, obscurior. Pater enim fuit equestri loco, avus nulla illustri laude celebratus; itaque non ex sermone hominum recenti, sed ex annalium vetustate eruenda est memoria nobilitatis tuæ. Quare ego te semper in nostrum numerum aggregare soleo, quod virtute, industriaque perfecisti, ut cum equitis Rom. esses filius, summâ tamen [a] amplitudine dignus putarere; nec mihi unquam minus in Q. Pompeio novo homine, et fortissimo viro, virtutis esse visum est, quàm in homine nobilissimo M. Æmilio. Etenim ejusdem animi atque ingenii est, posteris suis, quod Pompeius fecit, amplitudinem nominis, quam non acceperit, tradere; et, ut Scaurus, memoriam prope intermortuam generis sui, virtute renovare. Quanquam ego jam putabam, Judices, multis viris fortibus ne ignobilitas objiceretur generis, meo labore esse perfectum: qui non modò Curiis, Catonibus, Pompeiis, antiquis illis, fortissimis viris, novis hominibus, sed his

a *consulatu.*

mutinies of the common people at Rome; one on Mount *Sacer*, another on *Aventinus*, and a third on *Janiculus*. The sensuality of App. Claudius, the Decemvir, who was inflamed in his desire for the daughter of Virginius, excited the revolt on *Aventinus*, on account of which the *Decemviri* forced him to abdicate his magistracy. Vide Livy, *lib.* 3.

10. *Ex Prætura.*] Murena, the father, had done many illustrious things during his Prætorship of Asia; for in it he conquered Mithridates, and obtained a triumph, as Cicero himself said, in his oration for the Manilian law.

12. *Patri debitus.*] The consulship had been due to the father of Murena on account of his triumph; therefore it was more easy for his son, suing for it, to obtain it.

14. *Populo et suffragatoribus obscurior.*] Though Sulpicius was born from a more noble family, yet his nobility was not so well known to the people as that of Murena, whose father he had just now seen triumphing.

Ib. *Pater fuit equestri loco.*] I said, a little before, that Sulpicius was a patrician, from which we may conjecture that some who were born in the equestrian order were patricians. Vide not. 6. ad. *Parag.* 5.

16. *Ex annalium vetustate.*] Cicero, *lib. de clar. orat.* writes, that Ser. Sulpicius was consul with M. Tullius, on the tenth year after the kings were driven out, so that the family of Sulpicii was very ancient. But Cicero seems to say, that from that time there was no one of the family of the Sulpicii who was illustrious for his actions.

20. *In Quinto Pompeio.*] Q. Pompeius was consul with L. Cornelius Sylla, in the year of the city 666, and, on the next year after his consulship, when he was set over the Italian forces, he was slain, through envy or hatred.

21. *M. Æmilius.*] Æmilius Scarus was raised from an humble manner of living, and from an humble family, to the highest honours, of whom Asconius thus speaks: *M. Scaurus ita fuit Patricius, ut tribus supra ætatibus jacuerit domus ejus fortuna. Nam neque pater, neque avus, neque etiam proavus, ut puto, propter tenues opes et nullam vitæ industrium, honores adepti sunt. Itaque M. Scauro æque ac novo homine laborandum fuit.* Cicero, in his oration for Dejotarus, calls M. Scaurus the first man in the state.

26. *Curiis.*] M. Curius Dentatus triumphed three times; first over the Samnites, then over the Sabines, and lastly over Pyrrhus.

Ib. *Catonibus.*] According to Plutarch, Porcius Cato said that he was a new man, as to the esteem and honours which he had obtained; but as to the actions and valour of his ancestors, he was very ancient.

recentibus Mariis et Didiis et Cœliis commemorandis jacebant. Cum ego verò tanto intervallo claustra ista nobilitatis refregissem, ut aditus ad consulatum posthac, sicut apud majores nostros fuit, non magis nobilitati, quam virtuti, pateret: non arbitrabar, cum ex familia vetere et illustri consul designatus ab equitis Romani filio, consule, defenderetur, de generis novitate accusatores esse dicturos. Etenim mihi ipsi acidit, ut cum duobus Patriciis, altero improbissimo atque audacissimo, altero modestissimo atque optimo viro peterem: superavi tamen dignitate Catilinam, gratia Galbam. Quod si id crimen homini novo esse deberet, profecto mihi neque inimici, neque invidi defuissent. Omittamus igitur de genere dicere, cujus est magna in utroque dignitas: videamus cætera. Quæsturam unà petiit, et sum ego factus prior; non est respondendum ad omnia; neque eniam quemquam vestrûm fugit, cum multi pares dignitate fiant, unus autem primum solus possit obtinere, non eundem esse ordinem dignitatis et renuntiationis; propterea quod renunciatio gradus habeat, dignitas autem sit persæpe eadem omnium. Sed Quæstura utriusque propemodum pari momento sortis fuit; habuit hic lege Titia provinciam [a] tacitam et quietam: tu illam, cui, cum Quætores sortiuntur, etiam acclamari solet, Ostiensem, non tam gratiosam et illustrem, quàm ne-

[a] *pacatam*

28. *Mariis.*] Marius born at Arpinus, obtained many victories, and was seven times consul.

Ib. *Didiis.*] Didius was prætor after the Cimbric and Teutonic war, under whom Sertorius was a tribune of the soldiers. *Vide Plut. in Sert.*

Ib. *Cœliis.*] T. Liveny *lib.* 73. says that in Gaul the Salvii were conquered by Cœlius.

Ib. *Jacebant.*] The ancestors of these men were not raised to the same honours to which their posterity attained.

29. *Tanto intervallo.*] Cicero says that he was the first new man who, after C. Cœlius, was made consul.

34. *Ut cum duobus Patriciis.*] Cicero sued for the consulship with Cataline, and Galba a man of Patrician origin.

37. *Homini novo.*] Cicero calls himself a new man, because no one of his family had been made consul, though some of had been prætors.

39. *Quæsturam unà petiit.*] He produces the contention of dignity, for equal honours, when Cicero expresses by a personification of Sulpicius glorying. He speaks first of the quæstorship in which Sulpicius and Murenà were competitors, and Sulpicius was named first; whence he demonstrates the excellence of his dignity.

44. *Sed Quæstura.*] The quæstorship was the first office to which young men could be elected, the next was the ædileship, then the prætorship, and, lastly, the consulship.

45. *Pari momento sortis fuit.*] That is, almost at the same moment of time when the appointment by lot of the quæstorships was made, which province should happen to each. For they who were elected quæstors, used to obtain by lot the provinces to which they were to go.

Ib. *Lege Titia provinciam tacitam.*] Pighius, in his annals of the Roman commonwealth, upon the year four hundred and eighty-eight, gives it as his opinion that C. Titius, a tribune of the people, passed that year a law for doubling the number of quæstors, and assigned them their provinces by lot. This, he tells us, is the very law which Cicero in his oration for Murena distinguishes by the name of the Tatian law. Though this can be called no more than conjecture, yet it must be allowed far the most probable of any that has hitherto been offered for the clearing of this passage. The province has the epithet of *tacita* given it, because being one of the four Italic provinces, it was remote from the tumults of war, and gave no opportunities for the exertion of military talents.

47. *Ostiensem.*] The province of Ostiensis was attended with much business and fatigue on account of the salt-pits; wherefore he who obtained it was received by the people with acclamations, either as a sign of approbation, if he was a man of business and activity, or of indignation if he was careless and lazy.

Ib. *Gratiosam.*] That province is called Gratiosa, from which he who governs it gains much honour to himself.

gotiosam et molestam; [a] consedit utriusque nomen in Quæstura; nullum enim vobis sors campum dedit, in quo excurrere virtus, cognoscique posset. Reliqui temporis spatium, quod in contentionem vocatur, ab utroque dissimillima ratione tractatum est. Servius hic nobiscum hanc urbanam militiam respondendi, scribendi, cavendi, plenam solicitudinis ac [b] stomachi, secutus est: jus civile didicit: multum vigilavit: laboravit: præsto multis fuit: multorum stultitiam perpessus est; arrogantiam pertulit: difficultatem [c] exsorbuit. vixit ad aliorum arbitrium, non ad suum. Magna laus, et grata hominibus, unum hominem elaborare in ea scientia, quæ sit multis profutura. Quid Muræna interea? fortissimo et sapientissimo viro, summo imperatori legatus L. Lucullo fuit: qua in legatione duxit exercitum, signa contulit, manum conseruit, magnas copias hostium fudit, urbes partim vi, partim obsidione cepit: Asiam istam refertam, et eandem delicatam sic obiit, ut in ea neque avaritiæ, neque luxuriæ vestigium reliquerit: maximo in bello sic est versatus, ut hic multas res et magnas sine imperatore gesseret, nullam sine hoc imperator. Atque hæc quanquam præsente L. Lucullo loquar, tamen ne ab ipso propter periculum nostrum concessam videamur habere licentiam fingendi, publicis literis testata sunt omnia: quibus L. Lucullus tantum laudis impertiit, quantum neque [d] ambitiosus imperator, neque invidus, tribuere alteri in communicanda gloria debuit. Summa in utroque est honestas, summa dignitas: quam ego, si mihi per Servium liceat, pari atque eadem in laude ponam; sed non licet; [e] agitat rem militarem: insectatur totam hanc legationem: assiduitatis, et operarum harum quotidianarum putat esse consulatum. Apud exercitum mihi fueris, inquit, tot annos? forum non attigeris? abfueris tamdiu? et, [f] cùm longo intervallo veneris, cum iis qui in foro habitarunt, de dignitate contendas? Primum ista nostra assiduitas, Servi, nescis quantum interdum afferat hominibus fastidii, quantum satieitatis; mihi quidem vehementer expediit, positam [g] in oculis esse gratiam: sed

a *jacuit.* b *molestiæ.* c *exhausit.* d *cupidus* gloriæ. e *vituperat.* f *post longum spatium.* g *ante oculis beneficium esse.*

49. *Campum dedit.*] No lot gave to Sulpicius a province, in which he could get praise, as it is acquired in the provinces in which war is carried on.

50. *Reliqui temporis.*] A comparison of their employments follows, in which he at first extols the dignity of the employment of each by summing up the parts, that nevertherless it should appear from a comparison of these parts that L. Murena had a more noble employment than Sulpicius.

65. *Præsente Lucullo.*] Lucullus, who had been a commander in Asia against Mithridates, was a judge in this cause.

Ib. *Periculum nostrum.*] He intends the danger of Murena lest he should be condemned by the judges.

69. *In utroque.*] Both Murena and Sulpicius are possessed of the highest dignity on account of the magistracies which were filled by each of them, and from the nobility of their ancestors, for Sulpicius was a patrician, and Murena a plebeian. He however contends that Murena was higher in dignity on account of his military art, which he prefers to a knowledge of civil law.

72. *Assiduitatis.*] Assiduity is applied to those who abide in a particular place; hence he is called industrious who continues in one place.

Ib. *Operarum harum quotidianarum.*] Sulpicius thought, that the consulship only belonged to those who were constantly at Rome; and thus, that he was to be preferred to Murena, who was often absent on warlike expeditions.

73. *Apud exercitum mihi fueris.*] *Mihi* is only inserted for the sake of elegance; that is, *fueris in exercitu,* you have been in the army. But Sulpicius says this, and the things which follow, as if through indignation.

78. *Positam esse gratiam.*] Cicero

tamen ego mei satietatem magno meo labore superavi; et tu idem fortasse: verumtamen utrique nostrûm [a] desiderium nihil obfuisset.

VI. Sed ut, hoc omisso, ad studiorum atque artium contentionem revertamur: quî potest dubitari quin ad consulatum adipiscendum multo plus afferat dignitatis, rei militaris, quam juris civilis gloria? Vigilas tu de nocte, ut tuis consultoribus respondeas: ille, ut, quo intendit, mature cum exercitu perveniat; te gallorum, illum buccinarum cantus exsuscitat, tu actionem instituis, ille aciem instruit; tu caves, ne tui consultores, ille ne urbes aut castra capiantur. Ille tenet, et scit, ut hostium copiæ; tu ut aquæ pluviæ arceantur; ille exercitatus est in propagandis finibus; tu in regendis. Ac nimirum (dicendum est enim quod sentio) rei militaris virtus præstat cæteris omnibus. Hæc nomen populo Romano, hæc huic urbi æternam gloriam peperit: hæc orbem terrarum parere huic imperio coegit; omnes urbanæ res, omnia hæc nostra præclara studia, et hæc forensis laus, et industria, latent in tutela ac præsidio bellicæ virtutis; simul atque increpuit suspicio tumultûs, artes illico nostræ conticescunt. Et, quoniam mihi videris istam scientiam juris tanquam filiolam osculari tuam, non patiar te in tanto errore versari, ut istud nescio quid, quod tantopere didicisti, præclarum aliquid esse arbitrere. Aliis ego te virtutibus, continentiæ, gravitatis, justitiæ, fidei, cæteris omnibus, consulatu et omni honore semper dignissimum judicavi; quòd quidem jus civile didicisti; non dicam, operam perdidisti: sed illud dicam, nullam esse in illa disciplina munitam ad consulatum viam; omnes enim artes, quæ nobis populi Romani studia conciliant, et admirabilem dignitatem, et pergratam utilitatem debent habere. Summa dignitas est in iis, qui militari laude antecellunt; omnia enim, quæ sunt in imperio et in statu civitatis, ab iis defendi et firmari putantur; summa etiam utilitas: siquidem eorum consilio, et periculo, cùm republica, tum etiam nostris rebus perfrui possumus; gravis etiam illa est et plena dignitatis dicendi facultas, quæ sæpe valuit in consule deligendo, posse consilio atque oratione, et Senatûs, et populi, et eorum qui res judicant, mentes permovere. Quæritur Consul, qui dicendo nonnunquam comprimat tribunitios furores, qui concitatum populum flectat, qui largitioni resistat. Non mirum, si ob hanc facultatem homines sæpe etiam [b] non nobiles consulatum consecuti sunt: præsertim cùm hæc eadem res plurimas gratias, firmissimas amicitias, maxima studia pariat: quorum in isto vestro artificio, Sulpici, nihil est. Primum dignitas in tam tenui scientia, quæ potest esse? res enim sunt parvæ, prope in singulis literis atque [c] interpunctionibus verborum occupatæ. Deinde etiam si quid apud majores nostros fuit in isto studio admirationis, id, enuntiatis vestris mys-

a *absentia*. b *homines novi*. c *distinctionibus*.

agrees that, to obtain honours it is better to be at home than abroad; because the people discover more with their eyes than with their ears; wherefore when he returned from his quæstorship in Sicily, he resolved to remain at Rome.

1. *Sed ut, hoc omisso.*] He passes to the consideration of the arts practised by each of them.

15. *Increpuit suspicio tumltûs.*] That is, sounded, a metaphor taken from trumpets; a suspicion of an insurrection, viz. of an Italic or Gallic war; for these two wars, were called by this name.

40. *Vestris mysteriis.*] A proverb taken

teriis, totum est contemptum et abjectum. Posset [a] agi lege, necne, pauci quondam sciebant: fastos enim vulgo non habebant; erant in magna potentia, qui consulebantur: à quibus etiam dies tanquam à Chaldæis petebantur; inventus est scriba quidam Cn. Flavius, qui cornicum oculos confixerit, et singulis diebus ediscendos fastos populo proposuerit, et ab ipsis cautis Jurisconsultis eorum sapientiam [b] compilarit. Itaque irati illi, quòd sunt veriti ne, dierum ratione promulgata et cognita, sine sua opera lege posset agi, [c] notas quasdam composuerunt, ut omnibus in rebus ipsi interessent; cum hoc fieri bellissime posset: Fundus Sabinus meus est: immo meus: deinde judicium: noluerunt. FUNDUS, inquit, QUI EST IN AGRO QUI SABINUS VOCATUR Satis verbose: cedo, quid postea? EUM EGO EX JURE QUIR. MEUM ESSE AIO, Quid tum? INDE IBI EGO TE EX JURE MANU CONSERTUM VOCO. Quid huic tam loquaciter litigioso responderet ille, unde petebatur, non habebet. Transit idem jurisconsultus tibicinis Latini modo; UNDE TU ME, inquit, EX JURE MANU CONSERTUM VOCASTI,

a *litigari.* b *furatus sit.* c *formulas.*

from the sacred mysteries of the Greeks, among which, the Eleusinian were the principal; to betray which to profane persons, was a capital crime.

43. *A Chaldæis.*] The Chaldeans are put for astrologers, because the art of divination flourished among that people. They were called Genethliaci, because, on a certain day, when every one had gone forth into the light, they used to predict concerning the fortune and end of life.

44. *Inventus est scriba quidam Cn. Flavius, qui cornicum oculos.*] This whole story may be learned from Pomponius' Enchiridion; whose words are still extant in the book of Pandects, where they treat of the origin of the civil law. What relates to the present passage, is translated as follows: Then almost at the same time actions or forms, were composed out of those laws, by which men disputed with one another; which actions, lest the people should appoint them when they pleased, were reduced to stated and solemn terms; and this part of the law, was called *legis actiones*, the forms of the law. Thus, almost at one time, these three kinds of law sprung up: the laws of the twelve tables; from them proceeded the civil law; and, from the civil law, the *legis actiones*. But the knowledge of all these, with the actions themselves, was confined to the pontifical college, out of which the judges of private property were every year appointed, and the people went by this usage, for near a hundred years. Afterwards, when Appius Claudius had digested and modelled these actions, Cn. Flavius, his scribe, the son of a freedman, stole the book and published it for general use. This present was so agreeable to the people, that he was made tribune of the commons, senator, and *curule* ædile. Hence, the book containing those forms, is called the Flavian civil law.

50. *Fundus Sabinus.*] Cicero shows that it was more easy to contend concerning any farm, without the forms of lawyers, than to apply them, because by them the whole proceeding of trials, is rendered intricate; for it is sufficient that the plaintiff should say, *Ille fundus Sabinus meus est;* and that the defendant should answer, *meus est:* then let each of them come to trial, and, the reasons of both being heard, let the judge decide.

51. *Inquit.*] But the lawyer who composed his evidence, proposes another circuitous manner of expressing it; viz. *fundus qui est in agro Sabino*, &c.

53. *Jure Quir.*] That was called *jus Quiritium* which was particularly established on account of Roman citizens, from which all foreigners were plainly excluded.

54. *Ex jure manu.*] As *conserere manum vel manu cum hoste*, is to fight hand to hand; so *ex jure manu vel manum conserere*, is to give legal notice when any one contends in law. It was an ancient custom to touch a clod in a certain manner, and declare, that they would go to law for that property.

55. *Unde petebatur.*] By the words *unde petebatur* he intends the defendant: this was a customary manner of speaking among the ancients.

56. *Tibicinis Latini modo.*] He is said to pass over, after the manner of a Latin

INDE IBI EGO TE REVOCO. Prætor interea, ne [a] pulchrum se ac beatum putaret, atque aliquid ipse sua sponte loqueretur, ei quoque [b] carmen compositum est, cùm cæteris rebùs absurdum, tum verò nullo usu: UTRISQUE SUPERSTITIBUS PRÆSENTIBUS: ISTAM VIAM DICO: INITE VIAM; præsto aderat sapiens ille, qui inire viam doceret: REDITE VIAM; eodem duce redibant. Hæc jam tum apud illos barbatos ridicula, credo, videbantur: homines, cum recte atque in loco constitissent, juberi abire, ut, unde abîssent, eodem statim redirent. Iisdem ineptiis fucata sunt illa omnia, QUANDO TE IN JURE CONSPICIO; et hæc, SED ANNE TU DICIS CAUSA VINDICAVERIS? quæ dum erant occulta necessariò ab eis qui ea [c] tenebant, petebantur: postea vero pervulgata, [d] atque in manibus jactata et excussa, inanissima prudentiæ reperta sunt, fraudis autem et stultitiæ plenissima.

VII. Nam cum permulta præclare legibus essent constituta, ea jurisconsultorum [e] ingeniis pleraque corrupta ac depravata sunt. Mulieres omnes propter infirmitatem consilii majores in tutorum potestate esse voluerunt: hi invenerunt genera tutorum, quæ potestate mulierum

a *ne putaret se optima esse conditione.* b *formula.* c *intelligebant.*
d *propius considerata et cognita.* e *inventionibus.*

flute player, who manages the cause, or finds out the proofs for the plaintiff and defendant both. These Latin flute players were used on holy days, and preluded sometimes to one and sometimes to another chorus. *De his vide Liv. lib.* 4. He says, that lawyers, like those flute players, sometimes drew up the evidence of the plaintiff, and sometimes of the defendant, so that each might defend his right.

58. *Ibi ego te revoco.*] After the lawyer had told the plaintiff what to say, he also tells the defendant what he should say, viz: that he should use the same formula which the plaintiff used. *Ibi* is put for *ad eum locum,* which was common among the ancient Romans.

59. *Sua sponte loqueretur.*] The lawyers were in the habit of interrupting the prætors, and giving them proper words or formulas, which they should use for delivering their opinions.

61. *Utrisque superstitibus.*] Each being well, and on that account present; for they who laboured under any hurtful disease were excused by law from attending trial.

52. *Inite viam.*] The prætor determined that the persons at law should follow the usual forms, namely, those prescribed by the lawyers.

63. *Redite viam.*] The same lawyer who taught the way to proceed, also taught how to defend. This is the same with what was said above, *not. ad lin.* 56.

65. *Homines.*] He intends the plaintiff and defendant, who were ordered to go to the farm for which they were contending, and thence immediately to return to the prætor.

66. *Facata sunt.*] He now produces some new formula of the lawyers, as ridiculous as those already mentioned.

67. *Quando te in jure.*] The formula of the action is against the present possessor, which is thus explained by Valerius Probus, *Quando te injure conspicio, postulo an faus auctor.*

Ib. *Sed anne tu dicis causa.*] The word *dicis* is frequently used by lawyers; and, according to Hotoman, signifies the same as *simulandi causa,* or *simulationem.* But Eustachius supposes, that *dicis* is taken for manner and custom. *Varro, lib.* 5, *de L. L.* for that which is said not in earnest, but carelessly. Therefore, various meanings may be applied to this sentence: *Anne tu dicis causa vindicaveris:* as if he should say, *Anne tu simulandi causa tuum illud ac proprium asseruisti,* or *pro more et consuetudine,* or *non serio sed perfunctorie.* But it is very difficult to explain these mutilated sentences of the lawyers, which are not now in use, particularly as Cicero is only ridiculing them.

3. *In tutorum potestate.*] By an ancient law, the women were placed under a perpetual guardianship, and that which was done by a woman without the consent of her guardian, was not held valid. This law was taken by the Romans from the Athenian code.

4. *Potestate mulierum continerentur.*] Andrew Alciatus thus explains this power: "*Mulieres servos suos actori publico*

continerentur; sacra interire illi noluerunt: horum ingenio senes ad coemptiones faciendas, interimendorum sacrorum causa, reperti sunt. In omni denique jure civili æquitatem reliquerunt, verba ipsa tenuerunt: ut, qui in alicujus libris, exempli causa, id nomen invenerant. putârunt omnes mulieres, quæ coemptionem facerent, Caias vocari. Jam illud mihi quidem mirum videri solet, tot homines, tam ingeniosos, per tot annos etiam nunc statuere non potuisse, utrum diem tertium, an perendinum; judicem an arbitrum; rem an litem; dici oporteret. Itaque, ut dixi, dignitas in ista scientia consularis nunquam fuit, quæ tota ex rebus fictis commentitiisque constaret: gratiæ verò multo etiam minus. Quod enim omnibus patet, et æque promptum est mihi et adversario meo, id esse gratum nullo pacto potest. Itaque non modò beneficii collocandi spem, sed etiam illud quod aliquando fuit, LICET CONSULERE, jam perdidistis. Sapiens existimari nemo potest in ea prudentia, quæ neque extra Romam usquam, neque Romæ, [a] rebus prolatis, quidquam valet; peritus ideo haberi non potest, quòd in eo quod sciunt omnes, nullo modo possunt inter se discrepare; difficilis autem res ideo non putatur, quòd et perpaucis, et minime [b] obscuris literis continetur. Itaque si mihi homini vehementer occupato [c] stomachum moveritis, triduo me jurisconsultum esse profitebor. Etenim quæ de scripto aguntur, scripta sunt omnia: neque

a *munerum urbanorum vacatione concessa, vel justitio indicto.*
b *præceptis perspicuis*
c *irritaveritis me.*

concessisse; et postquam publici effecti essent, procurasse uti sibi in tutores darentur. Etenim tales hodie quoque non plane servi sunt, nec magis à tutela rejici, quam cæteri tabularii possunt; et tamen nec omnino liberi videntur, et propter reliquias prioris dominii, aliquo modo possunt dici potestate mulierum contineri."

5. *Sacra interire.*] Besides public, there were also private rites in families, which were continually observed as sacred.

Ib. *Horum.*] Lawyers.

9. *Quæ coemptionem facerent.*] The word *coemptio*, which Cicero uses in this place, has a very different signification from that which it had a few lines before. For there it denotes the pretended sale of an estate to some old man, who, in order to elude the rites that were used when a succession devolved upon an heir, was supposed to buy the inheritance, and then invest an imaginary heir with it. But here it expresses the union between the husband and the wife, which was solemnized in three different ways by the Romans, *confarratione, usu, coemptione;* for an explication of which we refer to Hotoman and Brisonius.

Ib. *Caias vocari.*] After marriage, the bride, on entering the house of her husband, said, *Ubi tu Caius, ego Caia;* that is, *ubi tu dominus, ego hera.* This custom took its rise from this circumstance, that Caia Cæciliana, the wife of Tarquinius Priscus, the king, was more illustrious than other women, and was an excellent worker in wool; on which account it was resolved, that a bride, on being asked her name before the door of her husband, should say that it was Caia.

11. *Per tot annos.*] Cn. Flavius had revealed the civil law before the Punic war, and some years before Pyrrhus came into Italy.

12. *An perendinum.*] The third day was appointed, when the judge determined, or the parties agreed between themselves, that every instrument of contention, or all the records on both sides should be produced within three days, then the suit was said to be delayed for three days; after which, or even on the third day, the judge would give his decision.

Ib. *Judicem an arbitrum.*] There is this difference between these words: *Judex* is the person whose decision is final, by which the whole cause is either gained or lost; *arbiter* is a person chosen by both parties, to judge between them, but by whose decision they are not bound to abide.

18. *Licet consulere.*] Either they who wished to consult the lawyers, or the lawyers, when they were consulted, said *licet consulere*, viz. the book of annals.

25. *Quæ de scripto aguntur.*] *Agi de scripto* or *per scriptum*, are the same. The

tamen quidquam tam anguste scriptum est, quo ego non possim, QUA DE RE AGITUR, addere; quæ consuluntur autem, minimo periculo respondentur: si id, quod oportet, responderis: idem videare respondisse quod Servius: sin aliter: etiam controversum jus nosse, et tractare videare. Quapropter non solum illa gloria militaris vestris formulis atque actionibus anteponenda est, verum etiam dicendi consuetudo longe et multum isti vestræ exercitationi [a]ad honorem antecellet. Itaque mihi videntur plerique initio multo hoc maluisse: post, cum id assequi non potuissent, istuc potissimum sunt delapsi: ut aiunt in Græcis artificibus, eos [b] aulœdos esse, qui citharœdi fieri non potuerint: sic nonnullos videmus, qui oratores evadere non potuerunt, eos ad juris studium [c] devenire. Magnus dicendi labor, magna res, magna dignitas, summa etiam gratia. Etenim à vobis salubritas quædam, ab iis qui dicunt, salus ipsa petitur. Deinde vestra responsa atque decreta et evertuntur sæpe dicendo, et sine defensione oratoris firma esse non possunt. In qua re si satis profecissem, parcius de ejus laude dicerem: nunc nihil de me dico, sed de iis, qui in dicendo magi sunt, aut fuerunt. Duæ sunt artes, quæ possunt locare homines in amplissimo gradu dignitatis; una imperatoris, altera oratoris boni. Ab hoc enim pacis ornamenta retinentur; ab illo belli pericula repelluntur. Cæteræ tamen virtutes ipsæ per se multum valent, justitia, fides, pudor, temperantia, quibus te Servi, excellere omnes intelligunt: sed nunc de studiis ad honorem [d] dispositis, non de insita cujusque virtute disputo. Omnia ista nobis studia de manibus [e] excutiuntur, simul atque aliquis motus novus bellicum canere cœpit. Etenim, ut ait ingeniosus Poeta et auctor valde bonus, prœliis promulgatis, PELLITUR E MEDIO non solum ista vestra verbosa simulatio prudentiæ, sed etiam illa ipsa domina rerum SAPIENTIA: VI GERITUR RES. SPERNITUR ORATOR, non solum odiosus in dicendo, ac loquax, verum etiam BONUS: HORRIDUS MILES AMATUR. Vestrum vero studium totum jacet. NON EX JURE

a *præstabit ad magistratum.* b *tibicines.* c [*velut delapsos*] *pervenire.*
d *ordinatis.* e *auferentur.*

profession of law was divided into two parts; first, the writing of the process and formula of trial which were used in treating of plain and common law, of laws and edicts; the second part consisted in giving an opinion concerning any law which required great prudence and intelligence, as the inquiry was generally made to settle the meaning and intention of some disputed point in the laws.

33. *Multo hoc maluisse.*] That they should become eloquent.

34. *Istuc potissimum.*] Because they cannot become orators, they become lawyers.

38. *Salubritas.*] That is advantageous which contributes to preservation and safety. Advice given by lawyers in capital cases, may procure safety to him that is in danger; but the speeches of orators also procure safety when they obtain the acquital of the accused.

45. *Pacis ornamenta.*] The laws, decisions of the courts, religion, and the concord of the citizens, were the ornaments of peace.

51. *Ingeniosus Poeta.*] Ennius was that ingenious poet: he was born in the year of the city 515, and died in 585; some of whose verses were transcribed by Gellius, *lib.* 20. cap. 10.

Pellitur è medio sapientia, vi geritur res,
Spernitur orator bonus, horridus miles amatur.
Haud doctis dictis certantes, sed maledictis,
Miscent inter sese inimicitias agitantes.
Non ex jure manu consertum, sed mage ferro
Rem repetunt, regnumque petunt, vadunt solida vi.

MANU CONSERTUM, SED MAGE FERRO, inquit, REM REPETUNT. Quod si ita est, cedat, opinor, Sulpici, forum castris, otium militiæ, stilus gladio, umbra soli: sit denique in civitate ea prima res, propter quam ipsa est civitas omnium princeps.

VIII. Verum hæc, Cato, nimium nos nostris verbis magna facere demonstrat, et oblitos esse, bellum illud omne Mithridaticum cum mulierculis esse gestum; quod ego longe secus existimo, Judices; deque eo pauca disseram; neque enim causa in hoc continetur. Nam si omnia bella, quæ cum Græcis gessimus, contemnenda sunt; derideatur de rege Pyrrho, triumphus M. Curii: de Philippo, T. Flaminini: de Ætolis, M. Fulvii; de rege Perse, L. Paulli: de Pseudophilippo, Q. Metelli: de Corinthiis, L. Mummii: sin hæc bella gravissima, victoriæque eorum bellorum gravissimæ fuerunt; cur Asiaticæ nationes, atque ille à te hostis contemnitur? Atqui ex veterum rerum monumentis, vel maximum bellum populum Roman. cum Antiocho gessisse video: cujus belli victor L Scipio, parta cum Publio fratre gloria, quam laudem ille, Africa oppressa, cognomine ipso præ se ferebat, eandem hic sibi ex Asiæ nomine assumpsit. Quo quidem in bello virtus enituit egregia M. Catonis, proavi tui. Quo ille, cum esset, ut ego mihi statuo, talis, qualem te esse video, nunquam cum Scipione esset profectus, si cum mulierculis bellandum esse arbitraretur. Neque vero cum P. Africano Senatus egissset, ut legatus fratri proficiseretur, cum ipse paulo ante Hanniable ex Italia expulso, ex Af-

6. *M Curii.*] M. Curius triumphed over Pyrrhus, when he returned a second time from Sicily to Italy, from which he drove him entirely out. See Livy, *lib.* 14.

Ib. *De Philippo T. Flaminini.*] After the second Punic war, Philip king of Macedonia renewed the war with the Romans; but it was soon ended by T. Flamininus. See Livy *lib.* 32. *et seq.*

7. *De Ætolis.*] Fulvius Nobiler the consul, after he had subdued the Ambracienses, conquered the Ætolians, and thus gave peace to the republic, on account of which he triumphed.

Ib. *De Rege Perse.*] Perses, the son of Philip king of Macedonia, with his sons, was conquered by Paullus, before whose chariot they were led in triumph.

Ib. *Pseudophilippo.*] Pseudophilippus was at first called Andriscus; he pretended that he was the son of Perseus. Having seized the kingdom of Macedonia, he was conquered and taken by Q. Cæcilius Metellus. Liv. *lib.* 49 *et* 50.

8. *De Corinthiis.*] Vide Orat. pro lege Manil. paragra. 4. l. 40.

11. *Cum Antiocho.*] Antiochus, according to the conditions of peace with the Romans, was obliged to keep from Europe, and to quit all Asia on this side Mount Taurus.

12. *L. Scipio.*] Who was called *Asiaticus.*

Ib. *Cum Publio Fratre.*] This was Pub. Scipio Africanus the elder, who went as a lieutenant to his brother the consul to Asia, to the war against Antiochus.

13. *Cognomine ipso.*] Lucius Scipio was the first of all the generals who was called by the name of the country which he had conquered.

15. *M. Catonis.*] M. Cato, in the war against Antiochus, being sent by his general Flaminius, with two thousand soldiers, seized Calidromus, one of the mountains of Thermopylæ. Vide Liv. *lib.* 36.

Ib. *Proavi tui.*] Cato Minor was the great grandson of Cato Major, as Gelius informs us, *lib.* 13. cap. 19.

18. *Cum P. Africano.*] In his thirty-seventh book Livy informs us, that there was a dispute between L. Scipio and C. Lelius about Greece; each of them desiring to have it decreed to himself, that he might carry on the war with Antiochus. But when Pub. Scipio Africanus had said, if it was given to his brother that he would go as his lieutenant, and his declaration being heard with great applause, the dispute was settled.

19. *Hannibale ex Italia expulso.*] Hannibal was first overcome by Marcellus, and being afterwards repelled with a great slaughter of his men by Sempronius Gracchus, and conquered in a naval engagement, he came to Eumenis. Thence he returned to the relief of Carthage, which was besieged by Scipio; but he was here conquered, and his army almost entirely destroyed.

rica ejecto, Carthagine oppressa, maximis periculis rempub. liberavisset, nisi illud grave bellum, et vehemens putaretur. Atqui, si diligenter, quid Mithridates potuerit, et quid effecerit, et qui vir fuerit, consideràris; omnibus regibus, quibuscum populus Rom. bellum gessit, hunc regem nimirum antepones. Quem L. Sulla maximo et fortissimo exercitu, pugna excitatum, non rudis imperator ut aliud nihil dicam, eum bello invictum totam in Asiam, cum pace dimisit: quem L. Muræna, pater hujusce, vehementissime vigilantissimeque vexatum, repressum maxima ex parte, non oppressum reliquit: qui rex, sibi aliquot annis sumptis ad confirmandas rationes et copias belli, tantum ipse opibus conatuque invaluit, ut se Oceanum cum Ponto, Sertorii copias cum suis conjuncturum putaret. Ad quod bellum duobus consulibus ita missis, ut alter Mithridatem persequeretur, alter Bithyniam tueretur; alterius res et terra et mari calamitosæ, vehementer et opes regis et nomen auxerunt: L. Luculli vero res tantæ exstiterunt, ut neque majus bellum commemorari possit, neque majore consilio, et virtute gestum. Nam cum totius impetus belli ad Cyzicenorum mœnia constitisset, eamque urbem sibi Mithridates Asiæ januam fore putavisset, qua effracta et revulsa, tota pateret provincia; perfecta ab Lucullo hæc sunt omnia, ut urbs fidelissimorum sociorum defenderetur, et omnes copiæ regis diuturnitate obsidionis consumerenter. Quid? illam pugnam navalem ad Tenedum, cùm contento cursu, acerrimis ducibus, hostium classis Italiam spe atque animis inflata, peteret; mediocri certamine, et parva dimicatione commissam arbitraris? Mitto prœlia: prætereo oppugnationes oppidorum; expulsus regno tandem aliquando, tantum tamen consilio atque auctoritate valuit, ut se, rege Armeniorum adjuncto, novis opibus copiisque renovarit. Ac si mihi nunc de rebus gestis esset nostri exercitûs imperatorisque dicendum, plurima et maxima prœlia commemorare possem. Sed non id agimus: hoc dico; si bellum hoc, si hic hostis, si ille rex contemnendus fuisset; neque tanta cura Senatus et populus Rom. suscipiendum putasset, neque tot annos gessisset, neque tanta gloria L. Luculli, neque vero ejus belli conficiendi curam tanto studio populus Romanus ad Cn. Pompeium detulisset: cujus ex omnibus

21. *Atqui, si diligenter.*] After Cicero had spoken of the magnitude of the Asiatic wars, he shows the importance of the war with Mithridates, which plainly appears to have been the greatest, both from the power and authority of Mithridates, and from the things done. For, all these things being considered, we may conclude that Mithridates, was the most powerful king, with whom the Romans ever contended.

30. *Oceanum.*] He says, in a vain-glorious manner, that he would unite the ocean with the sea; to show that he wished to join his forces with those of Sertorius in Spain, which for a great distance, was washed by the sea.

31. *Sertorii copias.*] When Sertorius was proscribed by Sylla, he excited a great war in Farther Spain, which the Romans terminated, not so much by bravery, as by fraud; he being slain. *Vide Orat. pro lege Manil. paragra.* 4. l. 24, 27.

32. *Consulibus.*] L. Lucullus and M. Aurelius Cotta, were consuls in the year of the city 679.

33. *Alterius res.*] Aurelius Cotta was overcome by Mithridates, who made an irruption into Bithynia.

36. *Cyzicenorum.*] When the city Cyzicus was besieged by Mithridates, it was relieved by Lucullus.

41. *Ad Tenedum.*] Lucullus here defeated Mithridates, in a naval battle.

46. *Rege Armeniorum.*] Tigranes, the father-in-law of Mithridates, and king of Armenia, would not make a league with his son-in-law, lest he should become too

pugnis, quæ sunt innumerabiles, vel acerrima mihi videtur illa, quæ cum rage commissa est, et summa [a] contentione pugnata. Qua ex pugna cùm se ille eripuisset, et Bosphorum confugisset, quo exercitus adire non posset, etiam in extrema fortuna et fuga, nomen tamen retinuit regium. Itaque ipse Pompeius, regno possesso, ex omnibus oris, ac notis sedibus hoste pulso, tamen tantum in unius [b] anima posuit, ut, cùm omnia, quæ ille tenuerat, adierat, speraret, victoria possideret; tamen non ante, quàm illum vitâ [c] expulit, bellum confectum judicarit. Hunc tu hostem, Cato, contemnis, quocum per tot annos, tot prœliis, tot imperatores bella gesserunt? cujus expulsi et ejecti vita tanti æstimata est, ut morte ejus nunciata, tum denique bellum confectum arbitraretur? Hoc igitur in bello L. Murænam legatum fortissimi animi, summi consilii, maximi laboris cognitum esse defendimus: et hanc ejus operam non minus ad consulatum adipiscendum, quam hanc nostram forensem industriam dignitatis habuisse.

IX. At enim in Præturæ petitione prior renuntiatus est Servius. Pergitisne vos, tanquam ex syngrapha, agere cum populo, ut quem locum semel honoris cuipiam dederit, eundem reliquis honoribus debeat? Quod enim fretum, quem Euripum tot motus, tantas, tam varias habere putatis agitationes fluctuum, quantas perturbationes, et quantos æstus habet ratio comitiorum? Dies intermissus unus, aut nox interposita sæpe perturbat omnia: et totam opinionem parva nonnunquam commutat aura rumoris. Sæpe etiam sine ulla aperta causa fit aliud atque existimamus, ut nonnunquam ita factum esse etiam populus admiretur; quasi vero non ipse fecerit. Nihil est incertius vulgo, nihil obscurius voluntate hominum, nihil fallacius ratione tota comitiorum. Quis L. Philippum summo ingenio, opibus, gratia,

a *summo labore.* b *vita.* c *coëgit mori.*

great by his power; but, he stood by him in adversity.

54. *Quæ sunt innumerabiles.*] *Pliny, lib.* 7. *cap.* 26, says, that Pompey had equalled not only the splendour of the actions of Alexander the Great, but also nearly that of the actions of Hercules and Bacchus his father.

61. *Vitâ expulit.*] Appian thus describes the death of Mithridates: Being harassed by his bad fortune, Mithridates mixed poison, and continually carried it in the hilt of his sword; but he could not kill himself thus, both because he was continually walking about, and because he was in the habit of taking medicines for the prevention of poison, which even in this age, are called *Mithridatica.* He therefore asked the brave and noble Bithius to perform that last sad office and kill him, lest falling alive into the hands of the Romans he should be reserved to grace a triumph: the Celt, with tears in his eyes, slew Mithridates with his sword.

63. *Tot imperatores.*] L. Sylla, L. Murena, the father of this Murena, L. Lucullus, and Cn. Pompey, had been sent as generals to this war.

1. *At enim in præturæ petitione.*] Sulpicius thought himself more worthy of the consulship, because Murena had obtained the prætorship first. But Cicero refutes that, from the inconstancy of the people, and from the example of others.

4. *Fretum.*] According to Varro and Servius, the sea took the name *fretum* from the boiling appearance of the tide.

Ib. *Quem Euripum.*] Those channels in which the waters passed along as in rivers were called Eripus. However, the name is chiefly applied to the noble channel, between Eubea and Bœotia, which is called Chalcidicus and Euboicus, and simply Eripus; hod. the channel of Negropont. According to Pomponius Mela, *lib.* 11. *cap.* 7. the tide ebbed and flowed seven times in the day, and seven times in the night with such force, that it resisted a ship with a strong wind, and all her sails set. Strabo says, that the tide ebbs and flows, only seven times in twenty-four hours.

12. *L. Philippum.*] Cicero, in his Brutus, thus speaks of Philippus: About the same time M. Herennius was numbered among the indifferent orators who spoke

nobilitate, à M. Herennio superari posse arbitratus est? quis Q. Catulum humanitate, sapientia, integritate antecellentem, à Cn. Manlio? quis M. Scaurum hominem gravissimum, civem egregium, fortissimum Senatorem, à Q. Maximo? non modò horum nihil ita fore putatum est, sed ne cum esset factum quidem, quare ita factum esset intelligi potuit. Nam ut tempestates sæpe certo aliquo cæli signo commoventur, sæpe improviso nulla ex certa ratione, obscura aliqua ex causa excitantur: sic in hac comitiorum tempestate populari, sæpe intelligas, quo signo commota sit: sæpe ita obscura est, ut casu excitata esse videatur. Sed tamen, si est reddenda ratio, duæ res vehementer in prætura desideratæ sunt, quæ ambæ in consulatu tum Murænæ profuerunt: una, exspectatio muneris, quæ et rumore nonnullo, et studiis sermonibusque competitorum creverat: altera, quod ii, quos in provincia, ac legatione, omnis et liberalitatis et virtutis suæ testes habuerat, nondum decesserant. Horum utrumque ei fortuna ad consulatûs petitionem reservavit. Nam et L. Luculli exercitus, qui ad triumphum convenerat, idem comes L. Murænæ præsto fuit: et munus amplissimum, quod petitio Præturæ desiderabat, prætura restituit. Num tibi hæc parva videntur adjumenta et subsidia consulatûs? voluntas militum? quæ cùm per se valet multitudine, tum apud suos gratia; tum verò in consule declarando multum etiam apud universum populum Rom. auctoritatis habet suffragatio militaris: imperatores enim comitiis consularibus, non [a] verborum interpretes deliguntur. Quare gravis est illa oratio: Me saucium recreavit: me præda donavit: hoc duce castra cepimus, [b] signa contulimus: nunquam iste plus militi laboris imposuit, quam sibi sumpsit ipse; cùm fortis, tum etiam felix. Hoc quanti putas esse ad famam hominum, ac voluntatem? etenim si tanta illis comitiis religio est, ut adhuc semper omen valuerit prærogativum; quid mirum est, in hoc felicitatis fa-

a *non jurisperiti.*   b *commisimus prælium.*

the Latin; he nevertheless, in an election for the consulship, overcame L. Philippus, a man, not only of the first rank and attainments, but of the greatest eloquence. This Philippus had been consul with Sextus Julius Cæsar in the year of the city 648, and Herennius with L. Valerius Flaccus in 661.

13. *Q. Catulum.*] Manlius Maximus was consul with Publius Rutilius in the year of the city 648; Q. Catulus with Marius, his grandson, in the year 652.

15. *M. Scaurum.*] Q. Maximus was consul with C. Licinius Geta in the year 638, and M. Scaurus with M. Cæcilius on the following year. Cicero praises him every where, and particularly in his first book of Offices, where he thus speaks of him: M. Scaurus did not appear to me, nor to any of us, when boys, to yield to C. Marius; and when we became conversant in the affairs of the republic, Q. Catulus did not seem to yield to Pompey.

24. *Exspectatio munerus.*] The expectation of public games favoured Murena; for, as in his prætorship, he had given the most magnificent games in honour of Apollo, the common people expected the same from him in his consulship: this made his virtues the more illustrious.

26. *Legatione.*] Murena having been lieutenant with Lucullus, many who had been witnesses of his valour favoured him; these had not yet departed from the city to the province, whence they came to honour the triumph of Lucullus.

30. *Quod petitio Præturæ desiderabat, &c.*] Murena had not yet exhibited these games when he sued for the prætorship, or when an ædile, but after he became prætor.

36. *Gravis est illa oratio.*] That speech had much weight concerning their general, which was spoken by each of the soldiers, in which they mention what they had received from him, and what they had done in company with him.

41. *Omen prærogativum.*] That was called the prerogative century which voted first, and their vote was considered as

mam, sermonemque valuisse? Sed si hæc leviora ducis, quæ sunt gravissima, et hanc urbanam suffragationem militari anteponis; noli ludorum hujus elegantiam, et scenæ magnificentiam valde contemnere, quæ huic admodum profuerunt. Nam quid ego dicam populum ac [a] vulgus imperitorum ludis magnopere delectari? minùs est mirandum: quanquam huic causæ satis est; sunt enim populi, ac multitudinis comitia. Quare si populo ludorum magnificentia voluptati est, non est mirandum, eam L. Murænæ apud populum profuisse. Sed si nosmetipsi, qui et ab delectatione omni negotiis impedimur, et in ipsa occupatione delectationes alias multas habere possumus, ludis tamen oblectamur et ducimur; quid tu admirere de multitudine indocta? L. Otho, vir fortis, meus necessarius, equestri ordini restituit, non solum dignitatem, sed etiam voluptatem; itaque lex hæc, quæ ad ludos pertinet, est omnium gratissima; quod honestissimo ordini cum splendore fructus quoque jucunditatis est restitutus. Quare delectant homines, mihi crede, ludi, etiam illos qui dissimulant, non solum eos qui fatentur: quod ego in mea petitione sensi; nam nos quoque habuimus scenam competitricem. Quod si ego, qui trinos ludos ædilis feceram, tamen Antonii ludis commovebar: tibi, qui casu nullos feceras, nihil hujus istam ipsam, quam irrides, argenteam scenam adversatam putas? Sed hæc sane sint paria omnia: sit par forensis opera militari: sit par militari suffragatio urbana: sit idem, magnificentissimos, et nullos unquam fecisse ludos: quid? in ipsa prætura nihilne existimas inter tuam et istius sortem interfuisse? hujus sors ea fuit, quam omnes tui necessarii tibi optabant juris dicundi: in qua gloriam conciliat magnitudo negotii, gratiam æquitatis

a *imperitam multitudinem.*

an indication of the manner in which the election would terminate; for the others often followed the votes of the first.

44. *Et Scæna magnificentiam.*] That scenery, which in a short time he will tell us was silver. Pliny also mentions it, *lib.* 33. *cap.* 3.

53. *L. Otho, vir fortis.*] L. Roscius Otho, a tribune of the people, passed a law, as appears from Asconius, by which fourteen rows of benches in the theatre next those of the senators, were assigned to the Roman knights, by which law great dissatisfaction was excited among the people, which Cicero prevented from bursting forth into open violence by an oration which he delivered to the people in the temple of Bellona. By the same Roscian law, a distinct place in the theatre was assigned to spendthrifts, as is said in *Phil.* 2.

59. *Scenam competitricem.*] Cicero here hints that in his election for the consulship he had competitors who had given games to the people, so that it would appear that they had sought the consulship by that scenery which they exhibited. The scenery in the theatre was the place where the players performed.

60. *Antonii ludis.*] Antony gave games when in his ædileship, in whose election for the consulship Cicero was a competitor; but Pliny, *lib.* 33, *cap.* 3, says, that he gave these in silver scenery, which is also said of Murena, who exhibited a scenery in which there was 124 pounds of silver.

62. *Sed hæc sane.*] He passes to a comparison of the prætorship, and so manages it, that if, by chance, the former things should not appear to be of that kind which should conciliate so much favour for Murena, in preference to Sulpicius, yet the prætorship would easily raise these things to that height, and there is in this a certain concession which he is very desirous of proving.

66. *Juris dicundi.*] Among the prætors some were appointed to take cognizance of private, others of public causes; some of civil, others of criminal causes. Murena was appointed over private causes, Sulpicius over public causes. This was according to the desire of the people, who, as Cicero says, desired that Murena should judge in private causes.

67. *Gratiam æquitatis largitio.*] Equity often bestows that which the law denies.

largitio: qua in sorte sapiens Prætor, qualis hic fuit, offensionem vitat æquabilitate decernendi, benevolentiam adjungit lenitate audiendi. Egregia et ad consulatum apta provincia: in qua laus æquitatis, integritatis, facilitatis, ad extremum, ludorum voluptate concluditur. Quid tua sors? tristis, atrox, quæstio peculatûs: ex altera parte lacrymarum et squaloris, ex altera plena catenarum atque indicum: cogendi judices inviti, retinendi contra voluntatem: scriba damnatus, ordo totus alienus: Sullana gratificatio reprehensa: multi viri fortes, et prope pars civitatis offensa est: lites severe æstimatæ; cui placet, obliviscitur: cui dolet, meminit. Postremo tu in provinciam ire noluisti: non possum in id te reprehendere, quod in me ipso et Prætor et Consul probavi; sed tamen L. Murænæ provincia multas bonas gratias cum optima existimatione attulit; habuit proficiscens delectum in Umbria: dedit ei facultatem respubl. liberalitatis; qua usus, multas sibi tribus, quæ municipiis Umbriæ conficiuntur, adjunxit; ipse autem in Gallia, ut nostri homines desperatas jam pecunias exigerent, æquitate diligentiaque perfecit. Tu interea Romæ scilicet amicis præsto fuisti; fateor: sed tamen illud cogita, nonnullorum amicorum studia minui solere in eos, à quibus provincias contemni intelligant. Et quoniam, ostendi, Judices, parem dignitatem ad consulatûs petitionem, disparem fortunam provincialium negotiorum in Muræna, atque in Sulpicio fuisse: dicam jam apertius, in quo meus necessarius fuerit inferior Servius: et ea dicam, vobis audientibus, amisso jam tempore, quæ ipsi soli, re integra, sæpe dixi.

X. Petere consulatum nescire te, Servi, persæpe dixi: et in iis rebus ipsis, quas te magno et forti animo, et agere, et dicere videbam, tibi solitus sum dicere, magis te fortem Senatorem mihi videri, quàm sapientem candidatum. Primùm accusandi terrores et minæ,

72. *Quæstio peculatus.*] He here enumerates all the inconveniences to which a prætor is subject in public trials.

73. *Squaloris.*] Before the accused came into court, they put on mean clothing, and neglected their beards and hair, that they might excite the compassion of the judges.

Ib. *Plena catenarum.*] After the exaggerating manner of orators, he says, chains instead of the bindings, and the prison from which they had been set free.

Ib. *Cogendi judices inviti.*] The judges were cited by the prætor, they who were chosen and required to act in any particular case, swore to the law, and had their names enrolled in the public register, lest any corrupted judge should be substituted. These being bound by oath, were afterwards required to give their opinion concerning citizens.

74. *Scriba damnatus.*] If any scribe was condemned, the whole order became inimical to the prætor, and as Sulpicius had condemned a scribe for embezzling the public money, it was a matter of course that in the *comitia* all the scribes should favour Murena against Sulpicius.

75. *Sullana gratificatio reprehensio.*] Sylla, when conqueror, had made many largesses from the goods of proscribed persons; but he being dead, many of those who received them were accused and condemned for extortion.

76. *Lites æstimatæ.*] To value a suit is to determine how much he that is condemned, should pay or suffer.

79. *Murænæ provincia.*] After his prætorship, he was set over transalpine Gaul.

80. *Habuit delectum.*] Of soldiers.

81. *In Umbria.*] The Umbri were considered the most ancient people of Italy, and were supposed to have sprung from the Umbri, a people of Greece, so called because they survived the great inundation, which happened in that country, for ομβρος signifies rain, and ομβριος rainy. *Vide Plin. lib.* 3. *cap.* 14.

4. *Primùm accusandi terrores et minæ.*] Cicero here accuses Sulpicius of want of prudence in his manner of suing for the consulship. For despairing too hastily of success, and, threatening his competitors with a prosecution, he cooled the zeal of his friends, who began to think his cause in a declining way. For when a candidate

quibus tu quotidie uti solebas, sunt fortis viri; sed et populi opinionem à spe adipiscendi avertunt, et amicorum studia debilitant; nescio quo pacto semper hoc fit: neque in uno, aut altero animadversum est, sed jam in pluribus: simul atque candidatus accusationem meditari visus est, ut honorem desperasse videatur. Quid ergo? acceptam injuriam persequi non placet? immo vehementer placet: sed aliud tempus est petendi, aliud persequendi; petitorem ego, præsertim consulatûs, magna spe, magno animo, [a] magnis copiis in forum et in campum deduci volo; non placet mihi inquisitio candidati, prænuntia repulsæ: non testium potius, quam suffragatorum comparatio: non minæ magis, quam blanditiæ: non declamatio potius, quam persalutatio: præsertim cùm jam hoc novo more, omnes fere domos omnium concursent, et ex vultu candidatorum conjecturam faciant, quantum quisque [b] animi, et facultatis habere videatur. Videsne tu illum tristem, demissum? jacet, diffidit, abjecit hastas. Serpit hic rumor: scis tu illum accusationem cogitare? inquirere in competitores? testes quærere? alium faciam, quoniam sibi hic ipse desperat. Ejusmodi candidatorum amici intimi debilitantur, studia deponunt, aut testatam rem abjiciunt, aut suam operam et gratiam judicio et accusationi reservant. Accedit eodem, ut etiam ipse candidatus totum animum atque omnem curam, operam, diligentiamque suam in petitione non possit ponere. Adjungitur enim accusationis cogitatio, non parva res, sed nimirum omnium maxima. Magnum est enim te comparare ea, quibus possis hominem è civitate, præsertim non inopem,

a *magno comitatu.* b *fiduciæ.*

has recourse to threats, it is a sure sign that he has little prospect of succeeding in the way of solicitation, and the people unwilling to throw their votes away, choose rather to attach themselves to a more fortunate competitor.

12. *In campum.*] He who is a candidate for the consulship, should be attended by a great retinue of men, when he comes into the forum or the campus Martius, or to the *comitia*, for this will show the kindness of the people in whose power it is to grant offices to him.

13. *Inquisitio candidati.*] It is an odious thing for a candidate to be seeking for a cause of impeachment against his competitor.

15. *Non minæ magis, &c.*] He here enumerates many things which injure a candidate; such as threats, which offend the mind; flatteries which cause men to be suspected; declamation, with which any one prepares himself to speak against his competitor, for they reflected maturely on what they were going to say: and finally, salutations, which, when they appeared to be too frequent, brought a man under the suspicion of bribery.

16. *Novo more.*] This was not the custom in former times, for then the people relied on their own virtue, but it was introduced by ambition.

18. *Videsne illum tristem.*] By this elegant prosopopæia, he exhibits to our view the examination of each of the candidates by looking at their countenances.

19. *Abjecit hastas.*] By a proverbial figure, they were said to cast down the spear who despaired of obtaining an office. The metaphor is taken from soldiers, who being affrighted, either fly from the contest, or surrender themselves to their enemies.

21. *Ejusmodi candidatorum.*] He now gives another reason why Sulpicius was not elected; viz. the good-will of the people had been turned from him, on account of his frequent accusations; and thus the endeavours of his friends were paralyzed, and they reserved themselves to assist him, if he should accuse any one.

24. *Accedit eodem.*] A third reason was, that he had diminished his diligence in seeking for the consulship, which is so much greater as the accusation is more difficult.

27. *Comparare ea.*] It requires great labour to have any one rejected from the magistracy; for it is necessary to seek out crimes, to prepare witnesses, prompters, advocates, &c.

neque infirmum, exturbare: qui et per se, et per suos, et vero etiam per alienos defendatur; omnes enim ad pericula propulsanda concurrimus: et qui non aperte inimici sumus, etiam alienissimis, in capitis periculis, amicissimorum officia et studia præstamus. Quare ego expertus et petendi, et defendendi, et accusandi molestiam, sic intellexi; in petendo studium esse acerrimum, in defendendo officium, in accusando laborem. Itaque sic statuo, fieri nullo modo posse, ut idem accusationem, et petitionem consulatûs diligenter adornet atque instruat; unum sustinere pauci possunt, utrumque nemo. Tu cum te de [a] curriculo petitionis deflexisses, animumque ad accusandum transtulisses, existimasti te utrique negotio satisfacere posse? vehementer errasti; quis enim dies fuit, posteaquam [b] in istam accusandi denuntiationem ingressus es, quam tu non totum in ista ratione consumpseris? Legem ambitus flagitasti, quæ tibi non deerat; erat enim severissime scripta Calpurnia; [c] gestus est mos et voluntati et dignitati tuæ. Sed tota illa lex accusationem tuam, si haberes nocentem reum, fortasse armasset: petitioni vero [d] refragata est; pœna gravior in plebem tua voce efflagitata est: commoti animi tenuiorum; exsilium in nostrum ordinem: concessit Senatus postulationi tuæ: sed non libenter duriorem fortunæ communi conditionem, te auctore, constituit. Morbi excusationi pœna addita est: voluntas offensa multorum, quibus aut contra valetudinis commodum laborandum est, aut incommodo morbi etiam cæteri vitæ fructus relinquendi; quid ergo? hæc quis tulit? is qui acutoritati Senatûs, voluntati tuæ paruit: denique is tulit, cui minime proderant. Quid? illa, quæ mea summa voluntate Senatus frequens repudiavit, mediocriter adversata tibi esse existimas? confusionem suffragiorum flagitasti, prorogationem legis

a *cursu.* b *suscepisses accusationem.* c *obeditum est.* d *nocuit.*

29. *Exturbare.*] To drive one out of the city is to force him to go into exile; for they who distrusted their own cause did not wait to see the issue, but went into exile.

43. *Scripta Calpurnia.*] C. Calpurnius, who was connsul with M. Glabrio in the year of the city 686, passed a law against bribery and corruption, by which the criminal was excluded from all public honours, and condemned in a certain fine. But this law appearing too mild to Sulpicius, he got another passed during Cicero's consulship, in which the punishments were made more severe, that senators convicted of bribery should be banished for ten years, and that those who sold their votes should be subject to a fine.

44. *Tota illa lex.*] He tells Calpurnius, that the law which would have strengthened his accusation, had the accused been guilty, was rather prejudicial to his suit for the consulship.

45. *Pœna gravior.*] Sulpicius desired to have a heavy fine added to exile, with which the ambitious were punished; but the plebeians and low men were greatly offended at this.

48. *Duriorem fortunæ communi conditionem.*] Although the punishments of the Calpurnian law were severe, yet these were more severe.

49. *Morbi excusationi.*] This law also took away all pretences of absence on account of sickness, that the party impeached might not thereby have an opportunity of protracting or evading his trial.

51. *Cæteri vitæ fructus.*] It is indeed a grievous thing to be afflicted with disease; but how much worse is it to be deprived of the right of suffrage, and the privilege of citizens, on account of this sickness.

52. *Is qui auctoritati senatûs.*] This law had been reported by Cicero; but he endeavours to excuse his severity, from the authority of the Senate and the anxiety of Sulpicius, who procured the passage of so severe a law by the Senate.

55. *Confusionem suffragiorum.*] A confusion of votes took place when the order of centuries and classes was not preserved in the *comitia*, but all voted indiscriminately. The people had been divided into classes; the first of which included men of the greatest yearly income, the second included those who stood next; and so on to the

Maniliæ, æquationem gratiæ, dignitatis, suffragiorum. Graviter homines honesti, atque in suis civitatibus et municipiis gratiosi tulerunt, à tali viro esse pugnatum, ut omnes et dignitatis, et gratiæ gradus tollerentur. Idem editítios judices esse voluisti, ut odia occulta civium, quæ tacitis nunc discordiis continentur, in fortunas optimi cujusque erumperent. Hæc omnia tibi accusandi viam muniebant, adipiscendi [a] obsepiebant. Atque ex omnibus [b] illa plaga est injecta petitioni tuæ, non tacente me, maxima: de qua ab homine ingeniosissimo et copiosissimo, Hortensio, multa gravissime dicta sunt: quo etiam mihi durior locus est dicendi datus: ut, cum ante me et ille dixisset, et vir summa dignitate et diligentia, et facultate dicendi, M. Crassus, ego in extremo non partem aliquam agerem causæ, sed de tota re dicerem, quod mihi videretur. Itaque in iisdem rebus fere versor, et, [c] quod possum, Judices, occurro vestræ satietati. Sed tamen, Servi, quam te securim putas injecisse petitioni tuæ, cum tu populum Romanum in eum metum adduxisti, ut pertimesceret, ne consul Catilina fieret, dum tu accusationem comparares, deposita atque abjecta petitione? Etenim te inquire videbant tristem ipsum: mœstos amicos, observationes, testificationes, seductiones testium, secessionem subscriptorum animadvertebant: quibus rebus certe ipsi candidatorum vultus obscuriores videri solent: Catilinam interea alacrem atque lætum, stipatum [d] choro juventutis, vallatum indicibus atque sicariis, inflatum cùm spe militum, tum collegæ mei, quemadmodum dicebat ipse, promissis, circumfluente colonorum Aretinorum et Fesulanorum exercitu; quam turbam dissimillimo ex genere, distin-

a *occludebant* b *me dicente tibi; id nocuit maxime tibi.*
c *quantum possum præverto vestrum tædium* d *comitatu.*

fifth, which included persons who possessed the least. All these classes made one hundred and ninety-three centuries. At the elections the centuries of the first were called first, if in that class, the votes were divided among different candidates; the centuries of the second class were called, and the third, and so on until ninety-seven centuries, which was the greater part of them, had voted for some one candidate. Sulpicius wished to abolish this order of voting, and to let the people vote indiscriminately.

Ib. *Prorogationem legis Maniliæ.*] Sulpicius also desired to restore the Manilian law, by which the privilege of voting was given to the libertines in all the tribes.

56. *Æquationem gratiæ.*] Sulpicius also desired, that men of influence and the nobility of the city, should not have more power than the most abject, but that all should vote on an equal footing.

57. *Et municipiis.*] The inhabitants of the free towns and the husbandmen had a right to vote in the *comitia*.

64. *Hortensio.*] Hortensius and Crassus spoke first, and Cicero last, in defence of Murena. He has often spoke of Hortensius; Crassus was an able orator and equal to Hortensius: he was for some years among the chief advocates at the Roman bar. *Vide Cic. in Ctar. Orat.*

73. *Te inquirere videbant.*] He describes Sulpicius meditating and preparing his accusation against Cataline, when each of them sued for the consulship.

74. *Testificationes.*] *Testificatio* is the deposition of any one which is taken when he cannot attend.

Ib. *Seductiones testium.*] He who was about to prodcce witnesses took them to his house, and there examined them by various questions.

Ib. *Secessionem subscriptorum.*] They were called *subscriptores* who wrote for the accuser when he produced the pretext of the charge: these retired to meditate what manner they might assist Sulpicius in his accusation.

77. *Vallatum indicibus.*] It appears that this should not be read *indicibus*, but *audacibus*, with whom Cicero, in his orations against Cataline, had often said that he was surrounded.

78. *Collegæ mei.*] Antony, the colleague of Cicero in the consulship, appeared to favour Cataline; but, in one of his orations, Cicero informs us that he had drawn him off from him.

80. *Dissimillimo ex genere.*] The dissi-

guebant homines perculsi Sullani temporis calamitate. Vultus erat ipsius plenus furoris, oculi sceleris, sermo arrogantiæ, sic ut ei jam exploratus, et domi conditus consulatus videretur. Murænam contemnebat: Sulpicium accusatorem suum numerabat non competitorem: eì vim denuntiabat: reipublicæ minabatur. Quibus rebus, qui timor bonis omnibus injectus sit, quantaque desperatio reipublicæ, si ille factus esset, nolite à me commoneri velle: vosmetipsi vobiscum recordamini; meministis enim cum illius nefarii [a] gladiatoris voces percrebuissent, quas habuisse in concione domestica dicebatur, cum miserorum fidelem defensorem negasset inveniri posse, nisi eum qui ipse miser esset: integrorum et fortunatorum promissis saucios et miseros credere non oportere. Quare qui consumpta replere, erepta recuperare vellent, spectarent quid ipse deberet, quid possideret, quid auderet: minime timidum, et valde calamitosum esse oportere eum qui esset futurus dux et signifer calamitosorum. Tum igitur, his rebus auditis, meministis fieri senatusconsultum, referente me, ne postero die comitia haberentur, ut de his rebus in Senatu agere possemus. Itaque postridie frequenti Senatu Catilinam excitavi, atque eum de his rebus jussi, si quid vellet, quæ ad me allatæ essent, dicere. Atqui ille, ut semper fuit apertissimus, non se purgavit, sed indicavit, atque induit. Tum enim dixit, duo corpora esse reip. unum debile, infirmo capite; alterum firmum sine capite: huic, cum ita de se meritum esset, caput, se vivo, non defuturum. Congemuit Senatus frequens, neque tamen satis severe pro rei indignitate decrevit. Nam partim ideo fortes in decernendo non erant, quia nihil timebant, partim quia timebant. Tum erupit è Senatu triumphans gaudio, quem omnino vivum illinc exire non oportuerat: præsertim cum idem ille in eodem ordine paucis diebus ante, Catoni, fortissimo viro, judicium minitanti, ac denuntianti respondisset, si quod esset in suas fortunas incendium excitatum, id se non aqua, sed ruina restincturum. His tum rebus commotus, et quod homines jam tum conjuratos cum gladiis in campum deduci à Catilina sciebam, descendi in campum cum firmissimo præsidio fortissimorum virorum, et cum illa lata insignique lorica, non quæ

a *Catilinæ.*

militude consisted chiefly in this, that the people of Fesulæ and Aretium had been enriched by the spoils of the civil war, conferred upon them by Sylla; these being colonies of the dictator's own planting. Others, again had been divested of their estates and fortunes by Sylla, to satisfy the cravings of his veterans, to whom he had promised an allotment of lands. These, too, with a view of obtaining the possessions they had been so unjustly deprived of, eagerly joined in the party of Cataline.

81. *Vultus erat.*] He gives us almost the same description of Cataline as that which we have in Sallust.

89. *Atqui ille.*] We learn from Plutarch, that Cicero, on the very day of the *comitia*, informed the Senate of what he had heard of Cataline's conspiracy, and challenged the conspirator himself to answer to the charge he brought against him. Upon which Cataline, believing there were many in the Senate who wished well to the conspiracy, instead of endeavouring to disguise his treason, openly said, "*Quid pecco, si duorum corporum, quorum alterum caput habeat, sed ægrum et pertinax; alterum sine capite, sed validum et præpotens; huic me caput adjicio?*" By the first body he meant the Senate, of which Cicero, as consul, was head. By the second, the people, of which he now declared himself ready to become the head.

110. *Sed ruina.*] Cataline appeared to threaten all extremities, if any one should oppose him.

112. *Descendi in campum.*] When Cicero suspected that Cataline intended some violence upon his person, he came

me tegeret (etenim sciebam Catilinam non latus, aut ventrem, sed caput et collum solere petere) verum ut omnes boni animadverterent, et cum in metu et periculo consulem viderent, id quod est factum, ad opem præsidiumque meum concurrerent. Itaque cum te, Servi, [a] remissiorem in petendo putarent, Catilinam et spe, et cupididate inflammatum viderent; omnes qui illam ab repub. pestem depellere cupiebant, ad Muræнam se statim contulerunt. Magna est autem comitiis consularibus repentina voluntatum inclinatio; præsertim cum incubuit ad virum bonum, et multis aliis adjumentis petitionis ornatum. Qui cum honestissimo patre atque majoribus, modestissima adolescentia, clarissima legatione, prætura probata in jure, grata in munere, ornata in provincia, petîsset diligenter, et ita petîsset, ut neque minanti cederet, neque cuiquam minaretur; huic mirandum est magno adjumento Catilinæ subitam spem consulatûs adipiscendi fuisse?

TERTIA PARS.
De crimine ambitûs.
L. Muræna nihil commissit contra legem ambitûs.

XI. Nunc mihi tertius ille locus est orationis de ambitûs criminibus, [b] perpurgatus ab iis qui ante me dixerunt, à me, quoniam, ita Muræna voluit, [c] retractandus. Quo in loco, Posthumio, familiari meo, ornatissimo viro, de divisorum indiciis, et de deprehensis pecuniis adolescenti ingenioso et bono, Ser. Sulpicio, de equitum centuriis: M. Catoni, homini in omni virtute excellenti, de ipsius accusatione, de senatus consulto, de repub. respondebo. Sed pauca quæ meum animum repente moverunt, prius de L. Muræna fortuna conquerar. Nam cum sæpe antea, Judices, et ex aliorum miseriis, et ex meis curis laboribusque quotidianis, fortunatos eos homines judicarem, qui remoti à studiis ambitionis, otium ac tranquillitatem vitæ secuti sunt: tum vero in his L. Muræna tantis tamque improvisis periculis ita sum animo affectus, ut non queam satis neque communem omnium nostrûm conditionem, neque hujus eventum fortunamque miserari: qui primum dum ex honoribus continuis familiæ, majorumque suorum, unum ascendere gradum dignitatis conatus est, venit in peri-

a *negligentiorem.* b *defensus.* c *tractandus* iterum.

into the Campus Martius to the *comitia*, surrounded by a band of young men, and covered with a coat of mail; by which he declared his danger to the citizens, and roused their indignation against Cataline, so that he was again rejected, and Silanus and Murena chosen consuls.

114. *Non latus, aut ventrem.*] He declares that Cataline intended to attach not the low, but the chief citizens; or he alludes to his wickedness, when, in the proscription of Sylla, he cut off the head of Marius Gratidianus, and brought it from Janiculum to the temple of Apollo, in his own hands, to Sylla.

2. *Qui ante me dixerunt.*] Hortensius and Crassus, who had already spoken for Murena.

4. *Divisorum indiciis.*] The *divisores* distributed the money to the people through the tribes, to procure their votes: they were employed by the masters of the *Curiæ*.

5. *Adolescenti Sulpicio.*] The son of Sulpicius, Murena's competitor.

Ib. *Equitum centuriis.*] Sulpicius said, that the centuries had been corrupted by Murena. Here we are to observe, that Ser. Tullius distributed all the Roman people into six classes, and these into one hundred and ninety-three centuries. But in marking the classes and centuries, which varied in every one, he arranged them according to the assessment, thus in the first he put those who were worth one hundred thousand *æs*, or more.

culum, ne et ea quæ relicta, et hæc quæ ab ipso parta sunt, amittat: deinde propter studium novæ laudis, in veteris fortunæ discrimen adducitur; quæ cum sunt gravia, Judices, tum illud acerbissimum est, quod habet eos accusatores, non qui odio inimicitiarum ad accusandum, sed qui studio accusandi ad inimicitias descenderent. Nam ut omittam Ser. Sulpicium, quem intelligo non injuria L. Murænæ, sed honoris contentione permotum; accusat paternus amicus, Cn. Postumius, vetus, ut ait ipse, vicinus, ac necessarius, qui necessitudinis causas complures protulit, [a] simultatis nullam commemorare potuit: accusat Ser. Sulpicius, sodalis filii, cujus ingenio paterni omnes necessarii munitiores esse debebant: accusat M. Cato, qui quanquam à Muræna nulla re unquam alienus fuit, tamen ea conditione nobis erat in hac civitate natus, ut ejus opes et ingenium præsidio multis etiam alienissimis, exitio vix cuiquam inimico esse deberet. Respondebo igitur Postumio primum, qui nescio quo pacto mihi videtur prætorius candidatus in consularem, quasi desultorius in quadrigarum curriculum incurrere. Cujus competitores, si [b] nihil deliquerunt, dignitati eorum concessit, cum petere destitit: sin autem eorum aliquis largitus est, expetendus amicus est, qui alienam potius injuriam, quàm suam persequatur.

Ea omnia, quæ et Postumio et Ser. Sulpicio adolescenti responsa sunt, desiderantur.

XII. Venio nunc ad M. Catonem, quòd est firmamentum ac robur totius accusationis: qui tamen ita gravis est accusator et vehemens, ut multo magis ejus auctoritatem quàm criminationem pertimescam. In quo ego accusatore, Judices, primum illud deprecabor, ne quid L. Murænæ dignitas illius, ne quid exspectatio tribunatûs, ne quid totius vitæ splendor et gravitas noceat; denique ne ea soli huic obsint bona M. Catonis, quæ ille adeptus est, ut multis prodesse posset. Bis consul fuerat P. Africanus, et duos terrores hujus imperii, Carthaginem Numantiamque deleverat, cum accusavit L. Cottam. Erat in eo summa eloquentia, summa fides, summa integritas, auctoritas tanta, quanta in ipso imperio populi Romani, quod illius opera tenebatur. Sæpe hoc majores natu dicere audivi, hanc accusatoris eximiam dignitatem plurimum L. Cottæ profuisse. Noluerunt sapientissimi homines, qui tum rem illam judicabant, ita quemquam [c] cadere in

a *inimicitiæ.* b *non commiserunt* ambitum. c *condemnari.*

17. *Quæ relicta.*] He speaks of those ensigns of honour which had been left him by his father.

26. *Sodalis filii.*] They were called *sodales* who were joined in any order or college: hence comes *sodalitates et sodalitia.*

32. *Desultorius.*] The metaphor is taken from the dexterity of those, who, in horse races, could vault from one horse to another, without interrupting the course. For Posthumius, a candidate for the prætorship, had quitted his pretensions to that dignity, with a view of impeaching Murena, a candidate for the consulship. This, says Cicero, is as if one of your vaulters, instead of jumping from one horse to another, should spring into a chariot and four, and thereby change the course from a horse to a chariot race.

5. *Exspectatio tribunatûs.*] Cato was a tribune of the people elect when he accused Murena.

8. *Bis consul.*] Æmelianus Scipio was consul first, in the time of the third Punic war, and again during the Numantine war, he overturned Carthage in Africa and Numantia in Spain, both rivals of Rome.

9. *L. Cottam.*] After his cause had been put off seven times, Cotta was at length acquitted in the eighth trial, lest the dignity of his accuser might appear to have injured him.

10. *Summa eloquentia.*] *Lib.* 1. *Offic.* he says, that the warlike glory which this

judicio, ut nimiis adversarii viribus abjectus videretur. Quid? Serv. Galbam (nam traditum memoriæ est) nonne proavo tuo, fortissimo atque florentissimo viro, M. Catoni, incumbenti ad ejus perniciem populus Romanus eripuit? Semper in hac civitate nimis magnis accusatorum opibus et populus universus, et sapientes ac multum in posterum prospicientes judices restiterunt. Nolo accusator in judicium potentiam afferat, non vim majorem aliquam, non auctoritatem excellentem, non nimiam gratiam; valeant hæc omnia ad salutem innocentium, ad opem [a] impotentium, ad auxilium calamitosorum: in periculo verò, et in pernicie civium repudientur. Nam si quis hoc fortè dicet, Catonem descensurum ad accusandum non fuisse, nisi prius de causa judicasset: iniquam legem, Judices, et miseram conditionem instituet periculis hominum, si existimabit judicium accusatoris in reum pro aliquo præjudicio valere oportere. Ego tuum consilium, Cato, propter singulare animi mei de tua virtute judicium, vituperare non audeo: nonnulla in re forsitan [b] confirmare, et leviter emendare possim. Non [c] multa peccas, inquit ille fortissimo viro senior magister: sed si peccas, te regere possum. At ego te verissime dixerim peccare nihil, neque ulla in re te esse hujusmodi, ut corrigendus potius quàm leviter inflectendus esse videare. [d] Finxit enim te ipsa natura ad honestatem, gravitatem, temperantiam, magnitudinem animi, justitiam, ad omnes denique virtutes, magnum hominem et excelsum; accessit his tot doctrina non moderata, nec mitis, sed, ut mihi videtur, paullo asperior et durior, quàm aut veritas, aut natura patiatur.

XIII. Et quoniam non est nobis hæc oratio habenda, aut cum imperita multitudine, aut in aliquo conventu agrestium, audacius paulo de studiis humanitatis quæ et mihi et vobis nota et jucunda sunt, disputabo. In M. Catone, Judices, hæc bona, quæ videmus divina et egregia, ipsius scitote esse propria: quæ nonnunquam [e] requirimus, ea sunt omnia non à natura, sed à magistro. Fuit enim quidam summo ingenio vir, Zeno, cujus inventorum æmuli Stoici nominantur. Hujus sententiæ sunt et præcepta ejusmodi: Sapientem [f] gratia nun-

a *inopum*. b vulgo *reformare*. c *multum*.
b *perfecit*. e *desideramus*. f *nunqu m facere gratiam* alicui.

Scipio had received from his ancestors was increased by his eloquence.

15. *Serv. Galbam.*] When Galba was accused by Libo, the tribune of the people, for having slain a great number of Lusitanians, whilst prætor in Spain, to whom the public faith had been pledged, he offered no excuse; but, weeping, began to commend his little children to the protection of the assembly. The people were so mitigated by his conduct, that he was acquitted of the crime, laid to his charge. *Vide Val. Max. lib.* 8.

26. *De causa judicasset.*] That is, Cato is a man of so great integrity, that he would not accuse Murena unless he considered him worthy of condemnation.

32. *Senior magister.*] Perhaps Cicero intends Chiron or Phœnix, who was the preceptor of Achilles.

37. *Doctrina non moderata.*] Stoicism, which he had learned from Antipater the Tyrian, and Stoic Philosopher.

4. *In M. Catone.*] He makes a digression, in order to reprehend the Stoic philosophy, and lessen the influence of Cato.

7. *Zeno.*] Zeno Cittacus, when he came from Cyprus to Athens to trade, applied himself to philosophy: he first heard the cynic Cratera, and afterwards Polemon the academician. His discipline was more rigid than that of his teachers, and from στοα, a porch, in which he taught, his followers were called Stoics.

8. *Hujus sententiæ sunt et præcepta.*] He enumerates the precepts of the Stoics, which were commonly called paradoxes, and were abhorrent to the common understanding and sense of men; in this, Cice-

quam moveri, nunquam cujusquam delicto ignoscere: neminem misericordem esse, nisi stultum et levem: viri esse neque exorari, neque placari: solos sapientes esse, si [a] distortissimi sint, formosos; si [b] mendicissimi, divites; si servitutem serviant, reges: nos autem, qui sapientes non sumus, fugitivos, exsules, hostes, insanos denique esse dicunt: omnia peccata esse paria: omne delictum scelus esse nefarium: nec minus delinquere eum, qui gallum gallinaceum, cum opus non fuerit, quam eum, qui patrem suffocaverit: sapientem nihil opinari, nullius rei pœnitere, nulla in re falli, sententia mutari nunquam, Hæc homo ingeniosissimus, M. Cato, auctoribus eruditissimis inductus, arripuit; neque disputandi causa, ut magna pars, sed ita vivendi. Petunt aliquid publicani? cave quidquam habeat momenti gratia. Supplices aliqui veniunt miseri, et calamitosi? sceleratus et nefarius fueris, si quidquam misericordia adductus feceris. Fatetur aliquis se peccasse, et ejus delicti veniam petit? nefarium est facinus ignoscere. At leve delictum est; omnia peccata sunt paria. Dixisti quippiam; [c] fixum et statutum est. Non re ductus es, sed opinione; sapiens nihil opinatur. Errasti aliqua in re; male dici putat. Hac ex disciplina nobis illa sunt. Dixi in Senatu, me nomen consularis candidati delaturum; iratus dixisti; nunquam, inquit, sapiens irascitur; at temporis causa; improbi, inquit, hominis est mendacio fallere: mutare sententiam, turpe est: exorari, scelus: misereri, flagitium. Nostri autem illi (fatebor enim, Cato, me quoque in adolescentia diffisum ingenio meo quæsisse adjumenta doctrinæ) nostri, inquam, illi à Platone et Aristotele moderati homines et temperati aiunt, apud sapientem valere aliquando gratiam: viri boni esse misereri: distincta genera esse delictorum, et dispares pœnas: esse apud hominem constantem ignoscendi locum: ipsum sapientem sæpe aliquid opinari, quod nesciat: irasci nonnunquam: exorari eundem, et placari: quod dixerit, interdum, si ita rectius sit, mutare: de sententia decedere aliquando: omnes virtutes mediocritate quadam esse moderatas. Hos ad magis-

a *deformissimi.* b *pauperrimi.* c *stabile et firmum.*

ro's object, is to lessen the influence of Cato.

9. *Misericordem esse.*] Compassion, according to the Stoics, was a certain disease of the mind, arising from a contemplation of the misery of others labouring under any misfortune. A man, therefore, susceptible of this feeling, was by them considered as weak, unsteady, and of a mean soul, incapable of vigorous designs. Hence Seneca, *epit. ad Lucul.* says, *Stultitia est, cui nihil constat, nihil diu placet.*

16. *Nihil opinari.*] *Opinari* is to assent to any thing uncertain or little known, or that is altogether false; but since, according to the opinion of the Stoics, a wise man cannot be deceived, he cannot assent to any thing.

19. *Ita vivendi.*] Cato does not dispute concerning those dogmas of the Stoics; but he formed his life from them.

25. *Non re.*] That is, the very truth and knowledge of the thing.

28. *Sapiens irascitur.*] Plutarch, in his life of Cato, says, that he was not easily made angry, but that when angry he was implacable.

32. *Quæsisse adjumenta.*] Though Cicero had attached himself to no sect of philosophers, yet he appeared to incline to the academics.

Ib. *Illi à Platone et Aristotele.*] The academics and peripatetics followed the precepts of Plato and Aristotle, which he declares to be contrary to those of the Stoics.

33. *Moderati homines et temperati.*] The doctrine of the academics and peripatetics was more mild than that of the Stoics.

37. *Irasci nonnunquam.*] Aristotle, *lib.* 3. *Ethic*, calls anger the whetstone of courage.

39. *Mediocritate esse moderatus.*] Virtue is so situated in mediocrity, that whatever goes beyond its bounds is not virtue.

tros si qua te fortuna, Cato, cum ista natura detulisset; non tu quidem vir melior esses, nec fortior, nec temperantior, nec justior (neque enim esse potes) sed paullo ad lenitatem propensior; non accusares nullis adductus inimicitiis, nulla lacessitus injuria, prudentissimum hominem, summa dignitate atque honestate præditum: putares, cum in ejusdem anni custodia te, atque L. Murænam fortuna posuisset, aliquo te, cum hoc, reipub. vinculo esse conjunctum; quod atrociter in Senatu dixisti, aut non dixisses, aut seposuisses, aut mitiorem in partem interpretarere. Ac te ipsum, quantum ego opinione auguror, nunc et animi quodam impetu concitatum, et vi naturæ atque ingenii elatum, et recentibus præceptorum studiis flagrantem jam usus flectet, dies leniet, ætas mitigabit. Etenim isti ipsi mihi videntur vestri præceptores et virtutis magistri fines officiorum paullo longius, quam natura vellet, protulisse: ut, cum ad ultimum animo contendissemus, ibi tamen, ubi oportet, consisteremus. Nihil ignoveris: Immo aliquid, non omnia. Nihil gratiæ causa feceris: immo resistito gratiæ, cum officium et fides postulabit. Misericordia commotus ne sis: Etiam, in dissolvenda severitate; sed tamen est laus aliqua humanitatis. In sententia permaneto; Vero, nisi sententia alia vicerit melior. Hujuscemodi Scipio ille fuit, quem non pœnitebat facere idem, quod tu: habere eruditissimum hominem, et penè divinum domi: cujus oratione et præceptis, quanquam erant eadem ista, quæ te delectant, tamen asperior non est factus, sed, ut accepi à senibus, lenissimus. Quis vero C. Lælio comior? quis jucundior, eodem ex studio isto? quis illo gravior? sapientior? Possum de L. Philippo, de C. Gallo dicere hæc eadem: sed te domum jam deducam tuam. Quemquamne existimas Catone proavo tuo commodiorem, commorem, moderatiorem fuisse ad omnem rationem humanitatis? de cujus præstanti virtute cum verè graviterque diceres, domesticum te habere dixisti exemplum ad imitandum. Est illud quidem exemplum tibi propositum domi: sed tamen naturæ similitudo illius ad te magis, qui ab illo ortus es, quam ad unumquemque nostrûm pervenire potuit: ad imitandum

44. *Cum in ejusdem anni custodia.*]—Cato was elected tribune of the people, and Murena consul in the same year; and the care of the republic was committed to them.

46. *Atrociter in Senatu dixisti.*] Cato had said in the Senate, that he would impeach whatever candidate for the consulship should be suspected of bribery.

52. *Fines officiorum.*] By this we are to understand the extreme and ultimate part of duty. The metaphor is taken from the boundaries of lands and countries, by which their limits and territories are marked. But the Stoics had not only extended the limits of favour, of pity, clemency, and the other virtues, but had so far transgressed them that they had taken away all humanity.

53. *Ut, cum ad ultimum.*] Though every one should aim at the highest perfection, yet he should stop where nature requires.

55. *Resistito gratiæ.*] *Resistere gratiæ* is to do nothing for the sake of favour, because when any one is bound by oath, he should do it most particularly.

59. *Scipio ille fuit.*] There is no doubt, but Cicero here speaks of Æmilianus Scipio, who had Panætius for a companion in that illustrious embassy which he fulfilled before his prætorship, when he was sent a third time by the Senate to examine the laws of the people and states, as if an arbiter and a restorer of more firm discipline. *Vide Cic. lib.* 4. *Acad. Quæst.*

63. *C. Lælio comior.*] Lælius was the most intimate friend of Scipio Africanus, concerning whom see *Hor. Ser.* 2. *Sat.* 1.

64. *L. Philippo.*] This Philip excelled in Grecian literature, as Cicero in his Brutus informs us.

Ib. *De C. Gallo.*] He also speaks of Gallus in his Brutus. He was well skilled in astrology, and triumphed over the Ligurians.

vero tam mihi propositum exemplar illud est, quam tibi. Sed si illius comitatem, et facilitatem tuæ gravitati severitatique adsperseris, non ista quidem erunt meliora, quæ nunc sunt optima, sed certe condita jucundius. 75

XIV. Quare, ut ad id quod institui revertar, tolle mihi è causa [a] nomen Catonis: remove, ac prætermitte auctoritatem, quæ in judiciis aut nihil valere, aut ad salutem debet valere: congredere mecum criminibus ipsis. Quid accusas, Cato? quid affers in judicium? quid arguis? ambitum accusas? non defendo. Me reprehendis, quòd idem defendam, quod lege puniverim? punívi ambitum, non innocentiam: ambitum vero ipsum vel tecum accusabo, si voles. Dixisti senatusconsultum, me referente, esse factum. Si mercede corrupti obviam candidatis îssent, si conducti sectarentur, si gladiatoribus vulgo locus tributim, et item prandia si vulgo essent data; contra legem Calpurniam factum videri. Ergo ita Senatus judicat, contra legem facta hæc videri, si facta sint: decernit, quod nihil opus est, dum candidatis morem gerit; nam factum sit, necne, vehementer quæritur; si factum sit, quin cóntra legem sit, dubitare nemo potest Est igitur ridiculum quod est dubium, id relinquere incertum; quod nemini dubium potest esse, id judicare. Atque id decernitur, omnibus postulantibus candidatis; ut ex S C. neque cujus intersit, neque contra quem sit, intelligi possit. Quare doce, à L. Muræna illa esse commissa: tum egomet tibi contra legem commissa esse concedam Multi obviam prodierunt de provincia decedenti, consulatum petenti; solet fieri; eccui autem non proditur revertenti? quæ fuit ista multitudo? primum, si tibi istam rationem non possim reddere, quid habet admirationis, tali viro advenienti, candidato consulari, obviam prodisse multos? quod nisi esset factum, magis mirandum videretur. Quid si etiam illud addam, quod à consuetudine non abhorret, rogatos esse multos? num aut cri-

a *auctoritatem.*

1. *Quare, ut ad id quod institui.*] He now returns to the cause, and asks that for the reasons he had advanced they would set the authority of Cato aside, as this was likely to do more injury to Murena than the crimes with which he was falsely charged.

6. *Punivi ambitum.*] The Senate had passed a decree against bribery: this was first reported to it by Cicero, who here explains every article of it in the following words.

9. *Conducti sectarentur.*] Men of debased honour, for the sake of money, followed the candidates when they came into the Campus Martius, that it might thence appear how worthy they were of the magistracy.

Ib. *Gladiatoribus.*] That law forbid any gladiator, for the space of two years from the time that he had sought the magistracy, or was about to sue for it, to appear in the games, unless on the day appointed in the testament.

11. *Contra legem videri.*] If all these things have been done by Murena, there is no doubt but he has sinned against the law; but it is incumbent on his adversaries to prove that he has done all, or any of them.

15. *Quod est dubium, id relinquere incertum.*] It is doubtful whether Murena has done any thing contrary to law; yet it should not be left so, but proved. No person doubts that in the Calpurnian law there was a decree passed by the Senate against ambitious persons; it is not therefore necessary now to judge of this, but whether Murena has offended against it.

19. *Multi obviam prodierunt.*] Cicero here produces the arguments offered by Cato, to prove that Murena had acted contrary to the laws. First, a great number of people went out to meet Murena on his return to Rome. Cicero refutes this by saying, that there was no reason to suppose that they were corrupted, as this was a customary piece of respect always shown to persons on their return from the provinces.

25. *Rogatos esse multos.*] He refutes his second argument, which was, that he

minosum sit aut mirandum, qua in civitate rogati [a] infimorum hominum filios [b] prope de nocte ex ultima sæpe urbe deductum venire soleamus, in ea non esse gravatos homines prodire hora tertia in campum Martium, præsertim talis viri nomine rogatos? Quid, si omnes societates venerunt, quarum ex numero multi hic sedent Judices? quid, si multi homines nostri ordinis honestissimi? quid, si illa officiosissima, quæ neminem patitur non honeste in urbem introire, tota natio candidatorum? si denique ipse accusator noster Postumius obviam cum bene magna caterva sua venit; quid habet ista multitudo admirationis? omitto clientes, vicinos, tribules, exercitum totum Luculli, qui ad triumphum per eos dies venerat; hoc dico, frequentiam in isto officio gratuitam, non modò dignitati ullius unquam, sed ne voluntati quidem defuisse. At sectabantur multi. Doce, mercede: concedam esse crimen; hoc quidem remoto, quid reprehendis? Quid opus est, inquit, sectatoribus? à me tu id quæris, quid opus sit eo, quo semper usi sumus? Homines tenues unum habent in nostrum ordinem aut promerendi aut proferendi beneficii locum, hanc in nostris petitionibus operam, atque assectationem; neque enim fieri potest, neque postulandum est à nobis, aut ab equitibus Romanis, ut suos necessarios candidatos sectentur totos dies: à quibus si domus nostra [c] celebratur, si interdum ad forum deducimur, si uno basilicæ spatio honestamur, diligentamur observari videmur et coli; tenuiorum et non occupatorum amicorum est ista assiduitas, quorum copia bonis et beneficis deese non solet. Noli igitur eripere hunc inferiori generi hominum fructum officii, Cato: sine eos, qui omnia à nobis sperant, habere ipsos quoque aliquid, quod nobis tribuere possint; si nihil erit præter ipsorum suffragium, tenue est; si, ut suffragantur, nihil valent gratia; ipsi denique, ut solent loqui, non dicere pro nobis, non spondere, non vocare domum suam possunt: atque hæc à nobis, petunt omnia; neque ulla re alia, quæ à nobis consequuntur, nisi opera sua, compensari putantant posse. Itaque et legi Fabiæ, quæ est de numero sectatorum, et S. C. quod est L.

a *obscurorum.* b *paulo ante lucem.* c *frequentatur.*

had invited a number of friends to attend him to the field of Mars on the day of election. Cicero says, that this too was a common practice, even in the case of persons of the lowest rank; why then should not a man of the highest authority in the state be led by those who were asked.

28. *Hora tertia.*] That was called the third hour by the Romans which corresponded to our 9 o'clock, A. M.

29. *Quid, si omnes societates.*] He refutes these arguments from the fact, that this crowd consisted of men of all ranks, among whom were some of the judges, and even Posthumius himself; why then should he be blamed, if so great a multitude followed him after their example.

35. *Omitto clientes.*] He names others, who for the sake of reputation and honour should be present with Murena.

Ib. *Clientes.*] Cilents were persons who had put themselves under the protection some patron.

36. *Gratuitam.*] This whole multitude which had assembled, had not been brought together either for the hope of reward or money.

40. *Eo, quo semper usi sumus.*] Cato should not reprehend that which was customary, nor from thence to infer that Murena was ambitious.

45. *Si interdum ad forum deducimur.*] He mentions various marks of respect which poor men used to show to their patrons, or to noblemen, which should not be converted into crimes against the latter.

46. *Si uno Basilicæ spatio.*] That is, if we are carried through a space as long as the *Basilica.* The *Basilica* had been added to the forum, and was enlarged by Cato and called *Porcia*: it had the appearance of a royal palace.

56. *Legi Fabiæ.*] The Fabian law about corruption limited the number of persons who should attend a candidate to the field of Mars. But the common people resisted

Cæsare consule factum, restiterunt; nulla est enim pœna, quæ possit observantiam tenuiorum ab hoc vetere instituto officiorum excludere. At spectacula sunt tributim data, et ad prandium vulgo vocati. Etsi hoc factum à Muræna omnino, Judices, non est: ab ejus amicis autem more et modo factum est tamen admonitus re ipsa, recordor quantum hæ quæstiones in Senatu habitæ punctorum nobis, Servi, detraxerint. Quod enim tempus fuit aut nostra, aut patrum nostrorum memoria, quo hæc, sive ambitio est, sive liberalitas non fuerit, ut locus et in circo, et in foro daretur amicis, et tribulibus? hæc homines tenuiores primum, ne dum qui ea suis tribulibus veteri instituto assequebantur.*

* *Deest nonnihil.*

XV. Præfectum fabrûm semel locum tribulibus suis dedisse: quid statuent in viros primarios, qui in circo totas tabernas, tribulium causa, compararunt? hæc omnia sectatorum, spectaculorum, prandiorum item crimina à multitudine in tuam nimiam diligentiam, Servi, conjecta sunt; in quibus tamen Muræna ab Senatûs auctoritate defenditur. Quid enim? Senatus num obviam prodire crimen putat? non: sed mercede: convince; num sectari multos? non: sed conductos: doce conductos; num locum ad spectandum dare, aut ad prandium invitare? minime, sed vulgo, passim; quid est vulgo? universos: non igitur, si L. Natta summo loco adolescens, qui, et quo animo jam sit,

the law and decree of the Senate with such determination, that no punishment could deter them from expressing this mark of respect, because it was an ancient custom to do so.

Ib. *Et Senatus-consulto.*] L. Cæsar and C. Figulus were consuls in the year in which the conspiracy of Cataline commenced. But when Cicero sued for the consulship, bribery was carried on so shamefully by Cataline and Antony, that the Senate, a few days before the *comitia*, determined to make the law against bribery more severe. When Q. Mutius Orestinus withstood the decree of the Senate, Cicero came into favour with the Senate, in opposition to the faction of Cataline and Antony, and persuaded them to limit the number of attendants: but he opposed the reading of this law by the same tribune.

59. *At spectacula sunt tributim data.*] Here a new objection is started, namely, that he had given to persons of his own tribe, a place from which to see the shows, and had invited them to feasts. But Cicero answers, that that had been done from time immemorial. These *spectacula* were places erected for the spectators to sit in during the games, called by the Greeks theatres.

61. *More et modo factum est.*] He acknowledges that these shows were given by the friends of Murena; but says that nothing was done contrary to custom, or immoderately.

62. *Punctorum.*] The votes were so called, because marked upon a table.

64. *Locus in circo.*] They who held places in the circus, sometimes through kindness, gave them to their friends, that they might see the plays, which were called *circenses* from circus.

65. *In foro.*] The fencing schools gave exhibitions in the forum.

1. *Præfectum fabrûm.*] He was called *præfectus fabrum* who was over the carpenters, smiths, coachmakers, &c.

2. *Tabernas, tribulium.*] Booths were erected in the large circus, from which the plays could be seen more conveniently; these were hired, and sometimes given by the owners to persons of their own tribe. Plutarch says, that they were all removed in one night by Gracchus.

4. *Crimina à multitudine.*] Cicero objects to Servius, that all these trifling things which had been collected by him, through a too great desire of accusing, would be cast up to Murena as so many crimes.

6. *Senatus num obviam.*] Cicero says, that the Senate had never declared that it was a crime to go forth to meet or follow any one, unless it had been done through corruption.

10. *Si L. Natta.*] Murena should not be accused of bribery, because Natta, his son-in-law, had given a certain place or a feast to the centuries; because he did not do this to favour Murena, but to render himself popular in his own tribe.

et qualis vir futurus sit, videmus, in equitum centuriis voluit esse, et ad hoc officium necessitudinis, et ad reliquum tempus gratiosus, id erit ejus vitrico fraudi, aut crimini: nec, si Virgo Vestalis hujus propinqua et necessaria, locum suum gladiatorium concessit huic, non et illa pie fecit, et hic à culpa est remotus; omnia hæc sunt officia necessariorum, commoda tenuiorum, munia candidatorum.

XVI. At enim agit mecum austere et Stoice Cato; negat [a] verum esse, allici benevolentiam cibo: negat judicium hominum in magistratibus mandandis corrumpi voluptatibus oportere. Ergo, ad cœnam petitionis causa si quis vocat, condemnetur; quippe, inquit, tu mihi summum imperium, summam auctoritatem, tu gubernacula reipub. petas fovendis hominum sensibus et deliniendis animis, et adhibendis voluptatibus? utrum lenocinium, inquit, à [b] grege delicatæ juventūtis, an orbis terrarum imperium à populo Romano petebas? Horribilis oratio: sed eam [c] usus, vita, mores, civitas ipsa respuit. Neque tamen Lacedæmonii auctores istius vitæ, atque orationis, qui quotidianis epulis in robore accumbunt: neque vero Cretes, quorum nemo gustavit unquam cubans, melius quam Romani homines, qui tempora voluptatis laborisque dispertiunt, respublicas suas retinuerunt: quorum alteri uno adventu nostri exercitûs deleti sunt, alteri nostri imperii præsidio disciplinam suam, legesque conservant. Quare noli, Cato, majorum instituta, quæ res ipsa publica, quæ diuturnitas imperii comprobat, nimium severa oratione reprehendere. Fuit eodem ex studio vir eruditus apud patres nostros, et honestus homo et nobilis,

a *justum*. b *multitudine juventutis luxuriosæ*. c *consuetudo*.

Ib. *Summo loco adolescens.* Natta was of the Pinarian family, the most noble and ancient among the Romans, as it flourished in the time of Evander. *Virg. Æneid.* 8.

11. *In equitum centuriis.*] The centuries of the knights were instituted by Romulus; their number was afterwards, increased by Tarquinius Priscus, but the name was preserved: he wished to have 1300 knights in three centuries.

13. *Virgo Vestalis.*] The vestals had a separate place assigned them, from which they could see the plays.

2. *Magistratibus mandandis.*] The Roman people were said to confer honours, when by their votes they elected any one to the magistracy.

4. *Petitionis causa.*] Cicero replies to Cato, that if it is unlawful to invite any one to a feast to obtain a favour from him, it is not lawful to conciliate good-will by pleasures: he treats this part after the manner of a dialogue, to ridicule Cato.

8. *Horribilis oratio.*] This is irony, in which both by a certain pretence of assent, and of horror and fear, he destroys all belief in Cato's harsh oration.

9. *Sed eam usus.*] He contends that that way of living is foreign to the Roman manners; and, by a comparison of dissimilar examples, viz. of the Lacedemonians and Cretans, who did not manage the affairs of their republics better than the Romans, he proves that it was unnecessary.

10. *Quotidianis epulis.*] The Lacedemonians, besides their daily feasts, had public feasts, which were called Phitidia: these were not procured at the public expense, but every one contributed his part. Cicero speaks of these, Tuscul. Quæst. 5.

11. *In robore accumbunt.*] The Lacedemonians did not recline upon couches, as was the custom of the other Greeks, but upon a certain hard material, such as wood; for that is what he intends by robur.

Ib. *Gustavit unquam cubans.*] The Cretans did not even lie down at their feasts.

14. *Nostri exercitûs.*] The Cretans were conquered by Q. Metellus, who imposed laws upon them; from this victory he was called Creticus.

15. *Disciplinam suam.*] The Cretans received their discipline from Lycurgus.

17. *Eodem ex studio.*] Q. Tubero, of whom Cicero speaks in *lib. de Clar. Orat.* professed himself a follower of the doctrine of the Stoics. Cicero says that he was the grandson of L. Paullus, but Scipio Africanus the younger, was the son of

Q. Tubero: is, cum epulum Q. Maximus, Africani patrui sui nomine, populo Rom. daret, rogatus est à Maximo, ut [a] triclinium sterneret, cum esset Tubero ejusdem Africani sororis filius; atque ille, homo eruditissimus, ac Stoicus, stravit pelliculis hœdinis lectulos Punicanos, et exposuit vasa Samia: quasi vero esset Diogenes Cynicus mortuus, et non divini hominis Africani mors honestaretur: quem cùm supremo ejus die Maximus laudaret, gratias egit diis immortalibus, quod ille vir in hac republica potissimum natus esset: necesse enim fuisse, ibi esse terrarum imperium, ubi ille esset. Hujus in morte celebranda graviter tulit populus Rom. hanc perversam sapientiam Tuberonis; itaque homo integerrimus, civis optimus, cum esset L. Paulli nepos, P. Africani, ut dixi, sororis filius, his hœdinis pelliculis prætura dejectus est. Odit populus Rom. privatam luxuriam, publicam magnificentiam diligit: non amat profusas epulas; sordes et inhumanitatem multo minus. Distinguit rationem officiorum ac temporum, vicissitudinem laboris ac voluptatis. Nam quod ais, nulla re allici hominum mentes oportere ad magistratum mandandum, nisi dignitate: hoc tu ipse, in quo summa est dignitas, non servas; cur enim quemquam, ut [b] studeat tibi, ut te adjuvet, rogas? rogas tu me, ut mihi præsis, ut committam ego me tibi; quid tandem? istuc me rogari oportet abs te, an te potius à me, ut pro mea salute laborem periculumque suscipias? Quid, quod habes nomenclatorem? in eo quidem [c] fallis, et decipis. Nam si nomine appellari abs te cives tuos honestum est; turpe est eos notiores esse servo tuo quam tibi; sin etiam noris, tamen per monitorem appellandi sunt? cur ante petis, quam insusurravit? aut quid, cum admoneris, tamen quasi tute noris, ita salutas? quid, posteaquam es designatus, multo salutas negligentius? hæc omnia, ad rationem civitatis si dirigas, recta sunt: sin perpendere ad disciplinæ præcepta velis, reperiantur pravissima. Quare nec plebi Romanæ eripiendi fructus isti sunt ludorum, gladiatorum conviviorum; quæ omnia majores nostri comparaverunt: nec candi-

a *cœnaculum*. b *faveat*. c *falleris et deciperis*.

Paullus Æmilius, to whom Maximus was grandson: so Maximus had Scipio for his uncle.

19. *Cum epulum.*] Tubero gave a public feast at the funeral of Scipio.

22. *Lectulos Punicanos.*] The Punic couches were vile mean things; such as the Africans and Carthagenians formerly used.

23. *Vasa Samia.*] These were a kind of earthenware, made in the island of Samos.

Ib. *Diogenes Cynicus mortuus.*] Dyogenes, a Synopensian by nation, and a disciple of Antisthenes, casting away every care, begged his food every day; he dwelt in the vestibules of the gates, and when he turned himself in his tub, he would jest and say that he had a changeable house, and one suiting itself to circumstances. He died almost ninety years old.

25. *Maximus laudaret.*] Fabius Maximus, the brother of Scipio, eulogized Africanus in a funeral oration. Orations of this kind were commonly spoken by near relations.

28. *Perversam sapientiam.*] He calls the austere wisdom or philosophy of the Stoics perverse, because it seemed to be void of all humanity.

31. *Prætura dejectus est.*] Tubero, in his suit for the prætorship, had been rejected by the people on account of his meanness and avarice.

40. *Nomenclatorem.*] One whose employment was to find out the names of the citizens, so as to whisper them to his master, that he might salute them with familiarity when he met them in the streets. Plutarch tells us that Cato would not use them, as it was contrary to law for the candidates to have nomenclators.

44. *Tute.*] That you know from yourself, and not from another.

datis ista benignitas adimenda est, quæ liberalitatem magis significat, quàm largitionem.

XVII. At enim te ad accusandum respub. adduxit. Credo, Cato, te isto animo, atque ea opinione venisse: sed tu imprudentia laberis. Ego quod facio, Judices, cùm amicitæ dignitatisque L. Murænæ gratia facio; tum me pacis, otii, concordiæ, libertatis, salutis, vitæ denique omnium vestrûm causa facere clamo atque obtestor. Audite, audite consulem, Judices, nihil dicam arrogantius, tantum dicam, totos dies atque noctes de república cogitantem. Non usque eo L. Catilina rempublicam despexit atque contempsit, ut ea copia, quam se cum eduxit, se hanc civitatem oppressurum arbitraretur; latius patet illius sceleris contagio, quàm quisquam putat: ad plures pertinet. Intus, intus, inquam, est equus Trojanus, à quo nunquam, me consule, dormientes opprimemini. Quæris à me, quid ego Catilinam metuam? Nihil: et curavi ne quis metueret: sed copias illius, quas hic video, dico esse metuendas: nec tam timendus est nunc exercitus L. Catilinæ, quàm isti, qui illum exercitum deseruisse dicuntur; non enim deseruerunt; sed ab illo in speculis atque insidiis relicti, in capite atque in cervicibus nostris restiterunt; hi et integrum consulem, et bonum imperatorem, et natura et fortuna cum reipub. salute conjunctum, dejici de urbis præsidio, et de custodia civitatis vestris sententiis deturbari volunt; quorum ego ferrum et audaciam rejeci in campo, debilitavi in foro, compressi etiam domi meæ sæpe, Judices; his vos si alterum consulem tradideritis, plus multo erunt vestris sententiis, quàm suis gladiis consecuti. Magni interest, Judices, id quod ego multis repugnantibus egi atque perfeci, esse Kalendis Januar. in repub. duos consules. Nolite arbitrari, mediocribus consiliis, aut usitatis viis, aut lege improba, aut perniciosa largitione auditum aliquando aliquod malum reipub. quæri. Inita sunt in hac civitate consilia, Judices, urbis delendæ, civium trucidandorum, nominis Romani exstinguendi; atque hæc cives, cives, inquam, si eos hoc nomine appellari fas est, de patria sua et cogitant, et cogitaverunt; horum ego quotidie consiliis occurro, audaciam debilito, sceleri resisto: sed vos moneo, Judices, in exitu est jam meus consulatus: nolite mihi subtrahere [a] vicarium meæ dili-

a *successorem.*

1. *At enim.*] He now undertakes to refute that part in which Cato said that he accused Murena on account of the republic: this he does by answering, that he defended him both on account of himself and the republic.

11. *Est equus Trojanus.*] The story of the Trojan horse is well known, from the description given of it in Virgil's Æneid, *lib.* 2. By this he intimated, that danger was not to be feared from those who were with Cataline, but from those who remained in the city.

20. *Rejeci in campo.*] He checked the violence of the conspirators, by coming into the camp of Mars covered with a coat of mail, and causing the people to join themselves to the consul.

Ib. *Debilitavi in foro.*] He baffled them in the forum, when he spoke so powerfully to the people against Cataline.

21. *Compressi domi meæ.*] He repressed their rage at his own house, by excluding Cornelius, a Roman knight, and T. Vargunteius; who had been sent by Cataline, under the pretence of saluting him, but in reality to kill kim. *Vide Orat. in Catil.*

22. *Alterum consulem.*] Murena.

24. *Multis repugnantibus.*] Cataline and the other conspirators were anxious that there should be no consuls on the kalends of January.

31. *In exitu est jam meus consulatus.*] Cicero's consulship terminated on the kalends of the next January.

gentiæ: nolite adimere eum ,cui remp. cupio tradere incolumen, ab his tantis periculis defendendam. Atque ad hæc mala, Judices, quid accedat aliud, non videtis? te, te appello, Cato: nonne prospicis tempestatem anni tui? jam enim hesterna concione intonuit vox perniciosa designati [tribuni] collegæ tui: contra quem multum tua mens, multum omnes boni providerunt, qui te ad tribunatûs petitionem vocaverunt. Omnia, quæ per hoc triennium agitata sunt jam ab eo tempore, quo à L. Catilina, et Cn. Pisone initum consilium Senatûs interficiendi scitis esse, in hos dies, in hos menses, in hoc tempus erumpunt. Qui locus est, Judices? quod tempus? qui dies? quæ nox? cum ego non ex illorum insidiis ac mucronibus non solum meo, sed multo etiam magis divino consilio eripiar atque evolem? neque isti me meo nomine interfici, sed vigilantem consulem de reip. præsidio demovere volunt: nec minus vellent, Cato, te quoque aliqua ratione, si possent, [a] tollere: id quod, mihi crede, et agunt, et moliuntur: vident quantum in te sit animi, quantum ingenii, quantum auctoritatis, quantum reipub. præsidii: sed cùm consulari auctoritate et auxilio spoliatam vim tribunitiam viderint, tum se facilius inermem et debilitatum te oppressuros arbitrantur; nam ne sufficiatur consul, non timent; vident in tuorum potestate collegarum fore; sperant sibi Silanum, clarum virum, sine collega, te sine consule, rempub. sine præsidio objici posse. His tantis in rebus, tantisque in periculis, est tuum, M. Cato, qui non mihi, non tibi, sed patriæ natus es, videre quid agatur, retinere adjutorem, defensorem, socium in republica, consulem non [b] cupidum, consulem (quod maxime tempus hoc postulat) fortuna constitutum ad amplexandum otium, scientia ad bellum gerendum, animo et usu ad quod velis negotium. Quanquam hujusce rei potestas omnis in vobis sita est, Judices: totam rempub. vos in hac causa tenetis, vos gubernatis. Si L. Catilina cum suo [c] consilio nefariorum hominum, quos secum eduxit, hac de re posset judicare, condemnaret L. Murænam: si interficere posset, occideret: petunt enim rationes illius, ut orbetur auxilio resp. ut minuatur contra suum furorem imperatorum copia: ut major facultas Tribunis-plebis detur, depulso adversario, seditionis ac discordiæ concitandæ. Idemne igitur delecti amplissimis ex ordinibus honestissimi atque sapientissimi viri judicabunt, quod ille importunissimus gladiator, hostis reipub. judicaret? Mihi credite, Judices, in hac causa non solum de L. Murænæ, verum

a *occidere.* b *avarum.* c *cœtu.*

37. *Designati tribuni.*] Metellus Nepos favoured the conspirators.

38. *Te ad Tribunatûs petitionem vocaverunt.*] We learn from Plutarch, in his life of Cato, that that Roman, retiring into Lucania, to spend some time at an estate he had in the country, suddenly altered his mind, and, by the persuasion of his friends, returned the same day to Rome, with a view of offering himself a candidate for the tribuneship, that he might be the better able to oppose the designs of Metellus Nepos, who, as he was informed upon his journey, was making interest for the same dignity.

40. *A. L. Catilina, et Cn. Pisone.*] He here speaks of the first conspiracy, which happened in the consulship of Lepidus and Volcatius. *Vide Sallust.*

49. *Spoliatam vim Tribunitiam.*] He says, that Cato was in as great danger as Murena, for if Murena was cast, there would be no consul to support Cato, on which account he would be oppressed by the partisans of Cato. For, as the tribunes might prevent the assembling of the *comitia,* there would be no one appointed in his place, or the choice of a colleague would devolve upon Silanus.

65. *Tribunis-plebis.*] Those tribunes

etiam de vestra salute sententiam feretis: in discrimen extremum venimus: nihil est jam unde nos reficiamus, aut ubi lapsi resistamus; non solum minuenda non sunt auxili quæ habemus; sed etiam nova si fieri possit, comparanda; hostis est enim non apud Anienem, quod bello Punico gravissimum visum est, sed in urbe, in foro: dii immortales! sine gemitu hoc dici non potest: non nemo etiam in illo sacrario reipub. in ipsa, inquam, curia non nemo hostis est. Dii [a] faxint, ut meus collega, vir fortissimus, hoc Catilinæ nefarium latrocinium armatus opprimat: ego togatus, vobis, bonisque omnibus adjutoribus, hoc quod conceptum respublica periculum parturit, consilio discutiam et comprimam. Sed quid tandem fiet, si hæc elapsa de manibus nostris in eum annum, qui consequitur, redundarint? Unus erit consul, et is non in administrando bello, sed in sufficiendo collega occupatus; hunc jam qui impedituri sint, * * Illa pestis immanis, importuna, Catilinæ prorumpet, qua poterit: et jam populo Romano minatur: in agros suburbanos repente advolabit: versabitur in castris furor, in curia timor, in foro conjuratio, in campo exercitus, in agris vastitas: omni autem in sede ac loco ferrum flammamque metuemus; quæ jam diu comparantur, eadem ista omnia, si [b] ornata suis præsidiis erit respub. facile et magistratuum consiliis, et privatorum diligentia opprimentur.

PERORATIO.

Peroratio in motibus commiserationis excitandis tota versatur.

XVIII. Quæ cum ita sint, Judices, primum reipub. causa, qua nulla res cuiquam potior debet esse, vos, pro mea summa et vobis cognita in rempub. diligentia, moneo, pro auctoritate consulari hortor, pro magnitudine periculi obtestor, ut otio, ut paci, ut saluti, ut vitæ vestræ et cæterorum civium consulatis: deinde ego fidem vestram, vel defensoris et amici officio adductus, oro atque obsecro, Judices, ut ne hominis miseri, et cum corporis morbo, tum animi dolore confecti, L. Murænæ recentem gratulationem nova lamentatione obruatis; modò maximo beneficio populi Rom. ornatus, fortunatus videbatur, quòd primus in familiam veterem, primus in municipium antiquissimum, consulatum attulisset: nunc idem squalore sordidus, confectus morbo, lacrymis ac mœrore perditus, vester est supplex, Judices, [c] vestram fidem obtestatur, misericordiam implorat, vestram

a *faciant*. b *instructa*. c *auxilium*.

who were continually stirring up seditions, will more easily accomplish their pernicious designs, if Murena is removed.

73. *Apud Anienem.*] In the second Punic war, when M. Fulvius beseiged Capua Hannibal, that he might force him to move his camp, came to a sudden resolution of advancing his army to Rome, he therefore pitched his camp at the river Anio, within three miles of the city. Fulvius was, notwithstanding this, permitted to continue the siege of Capua, which he soon after compelled to surrender.

76. *Non nemo hostis est.*] Who this was he does not inform us, but it is certain that some of the Senators and knights were concerned in the conspiracy. Sallust names them all.

81. *Unus erit consul.*] If Murena should be cast, P. Silanus will be consul alone, and his time will be taken up not so much in administering the affairs of the republic, as in chosing another consul, in which the seditious tribunes will oppose him.

8. *Recentem gratulationem.*] He was congratulated when he returned from the Mithridatic war.

10. *Municipium antiquissimum.*] Murena came from Lanuvium, a village on the Appian way, formerly a freed town,

potestatem ac vestras opes intuetur. Nolite, per deos immortales, Judices, hac eum re, qua se honestiorem fore putavit, etiam cæteris ante partis honestatibus atque omni dignitate fortunaque privare. Atque ita vos Muræna, Judices, orat atque obsecrat, si injuste neminem læsit, si nullius aures voluptatemve violavit, si nemini, ut levissime dicam, odio nec domi, nec militiæ fuit; sit apud vos modestiæ locus, sit [a] demissis hominibus perfugium, sit auxilium pudori. Misericordiam spoliatio consulatûs magnam habere debet, Judices: una enim eripiuntur cum consulatu omnia; invidiam vero his temporibus habere consulatus ipse nullam potest; objicitur enim concionibus seditiosorum, insidiis conjuratorum, telis Catilinæ: ad omne denique periculum, atque omnem invidiam solus apponitur. Quare quid invidendum Murænæ, aut cuiquam nostrûm sit in hoc præclaro consulatu, non video, Judices; quæ vero miseranda sunt, et ea mihi ante oculos versantur, et vos videre et perspicere potestis. Si (quod Jupiter omen avertat! hunc vestris sententiis [b] afflixeritis, quo se miser vertet? domumne?) ut eam imaginem clarissimi viri, parentis sui, quam paucis ante diebus laureatam in sua gratulatione conspexit, eandem deformatam ignominiâ, lugentemque videat? an ad matrem, quæ misera modo consulem osculata filium suum, nunc cruciatur et solicita est, ne eundem paulo post spoliatum omni dignitate conspiciat? Sed quid ego matrem aut domum appello, quem nova pœna legis et domo, et parente, et omnium suorum consuetudine conspectuque privat? Ibit igitur in exsilium miser? quo? ad Orientisne partes, in quibus annos multos legatus fuit, et exercitus duxit, et res maximas gessit? at [c] habet magnum dolorem, unde cum honore decesseris, eodem cum ignominia reverti. An se in contrariam partem terrarum abdet, ut Gallia Transalpina, quem nuper summo cum imperio libentissime viderit, eundem lugentem, mœrentem, exsulem videat? in ea porro provincia, quo animo C. Murænam fratrem suum adspiciet? qui hujus dolor? qui illius mœror erit? quæ utriusque lamentatio? quanta autem [d] perturbatio fortunæ atque sermonis, quòd, quibus in locis paucis antè diebus factum esse consulem Murænam nuntii literæque celebrassent, et unde hospites atque amici gratulatum Romam concurrerint, repente eò accedat ipse nuntius suæ calamitatis? Quæ si acerba, si misera, si luctuosa sunt, si alienissima à mansuetudine et misericordia vestra, Judices; conservate populi Romani beneficium: reddite reipub. consulem: date hoc ipsius pudori, date patri mortuo, date generi et familiæ, date etiam Lanuvio, municipio honestissimo, quod in hac causa frequens mœstumque vidistis; nolite à sacris patriis

a *supplicibus.* b *damnavaritis.* c *id affert, &c.* d *commutatio.*

founded by Diomede after the overthrow of Troy.

31. *Laureatus.*] They who triumphed were crowned with laurel. But as he had been a lieutenant to Lucullus, and a partaker of his victory, so also he should be a partaker of his congratulation and triumph, on which account he calls his image *Laureatam.*

35. *Nova pœna legis.*] He intends exile, with which, according to the new law, they who were convicted of bribery were punished.

37. *Orientis partes.*] He was lieutenant to Lucullus in Asia.

40. *In contrariam partem*] The west, in which Gaul was situated, into which he before said he had gone as Prætor.

52. *Lanuvio.*] When any one was under process of trial, delegates were sent from the freed towns and provinces to intercede for him.

Junonis Sospitæ. cui omnes consules facere necesse est, domesticum et suum cousulem potissimùm avellere. Quem ego vobis, si quid habet, aut momenti commendatio, aut auctoritatis [a] confirmatio mea, consul consulem, Judices, ita commendo, ut cupidissimum otii, studiosissimum bonorum, acerrimum contra seditionem, fortissimum in bello, inimicissimum huic conjurationi, quæ nunc rempublicam làbefactat, futurum esse promittam et spondeam.

a *affirmatio.*

54. *Juno Sospitæ.*] Juno was called *Sospita* from the preserving power which she exercised. She was first worshipped at Lanuvium with great reverence, as Livy informs us. The Romans also worshipped this Juno, whence we often read in Livy, that the Romans sent to Lanuvium those who, by a sacrifice might appease Juno Sospita.

Ib. *Facere necesse est.*] *Facere* is to perform sacred rites. When the consuls entered upon the duties of their office, they performed sacred rites to Juno Sospita at Lanuvium.

55. *Quem ego—Judices, ita commendo, ut, &c.*] Murena was acquitted, and his administration fully answered the idea which Cicero in this oration endeavours to give of it: he proving an honest, vigorous, and faithful consul, a zealous opposer of those who sought the ruin of their country, and an irreconcileable enemy to all factious magistrates. This oration was spoken towards the latter end of the six hundred and ninetieth year of the city in the consulship of Cicero and Antony, a little beforeMurena took possession of that high dignity.

PRO
A. LICINIO ARCHIA.
POETA.

A. Licinius Archias was a native of Antioch, and a very celebrated poet. He came to Rome when Cicero was about five years old, and was courted by men of the greatest eminence, on account of his learning, genius, and politeness. Among others, Lucullus was very fond of him, took him into his family, and gave him the liberty of opening a school in it, to which many of the young nobility and gentry of Rome were sent for their education. In the consulship of M. Pupius Piso and M. Valarius Messula, one Gracchus, a person of obscure birth, accused Archias upon the law by which those who were made free of any of the confederate cities, and at the time of passing the law dwelt in Italy, were obliged to claim their privileges before the prætor within sixty days. Cicero in this oration endeavours to prove that Archias was a Roman citizen in the sense of that law; but dwells chiefly on the praises of poetry in general and the talents and genius of the defendant, which he displays with great beauty, elegance, and spirit. The oration was delivered in the forty sixth year of Cicero's age, and the six hundred and ninety second of Rome.

EXORDIUM.

1. *Ab officio Cicero exorditur, quo obstringitur Archiam defendere.*
2. *Deprecatur, ut sibi fas sit, novo dicendi modo uti.*

I. SI quid est in me ingenii, Judices, quod sentio quàm sit exiguum; aut si qua exercitatio dicendi, in qua me non inficior mediocriter esse versatum; aut si [a] hujusce rei ratio aliqua ab optimarum artium studiis, et disciplinâ profecta, à qua ego nullum confiteor ætatis meæ tempus abhorruisse: earum rerum omnium vel in primis hic A. Licinius fructum à me repetere prope suo jure debet. Nam

INTERPRETATIO.

a *dicendi.*

NOTES.

1. *Si quid est in me ingenii.*] Nothing has a more powerful influence to conciliate the minds of an audience, than a modest mention of himself by the orator; and nothing alienates them sooner than vain ostentation. Cicero possessed this modesty in a singular degree, as appears from his orations, particularly those for Quinctius, Cor. Balbus. &c.

5. *Ætatis meæ tempus.*] Cicero, from the earliest period of his life, was devoted to the study of the liberal arts. When a young man, as he informs us in his Brutus, he was excited with a wonderful love of philosophy, and studied it diligently at Rome under the tuition of Philo. Plutarch informs us, that, when a boy, the brightness of his understanding shone forth to such a degree, that he acquired great note and glory among his fellows, and his parents came to the school to see him. He always retained the same predilection for philosophy; for, after he had engaged in the affairs of the republic his leisure moments were devoted to the same study: and when, by the reign of Cæsar, the republic was terminated and the orators silenced, he again devoted himself to the study of philosophy.

Ib. *Earum rerum omnium.*] Cicero says, "If I am possessed of any ingenuity, oratory, reason, or art, I am entirely indebted for it to Archias."

6. *Prope suo jure debet.*] Archias was Cicero's preceptor, who, when a boy, was so much delighted with poetry, that he composed in tetrameter verse, a poem, which he called *Pontius Glaucus*; and

quoad longissime potest mens mea respicere spatium præteriti temporis; et pueritiæ memoriam recordari ultimam, inde usque repetens, hunc video mihi [a] principem, et ad suscipiendam, et ad ingrediendam rationem horum studiorum exstitisse. Quòd si hæc vox hujus hortatu præceptisque [b] conformata, nonnullis aliquando saluti fuit: à quo id accepimus, quo cæteris opitulari, et alios servare possemus, huic profectò ipsi, quantum est situm in nobis, et opem et salutem ferre debemus. Ac ne quis à nobis hoc ita dici forte miretur, quòd alia quædam in hoc facultas sit ingenii, neque hæc dicendi ratio aut disciplina: ne nos quidem huic cuncti studio penitus unquam dediti fuimus. Etenim omnes artes, quæ ad humanitatem pertinent, habent quoddam commune vinculum, et quasi cognatione quadam inter se continentur. Sed ne cui vestrûm mirum esse videatur, me in quæstione legitima, et in judicio publico, cum res agatur apud Prætorem populi Romani, lectissimum virum, et apud severissimos judices, tanto conventu hominum ac frequentia, hoc uti genere dicendi, quod non modò à consuetudine judiciorum, verum etiam à forensi sermone abhorreat: quæso à vobis, ut in hac causa mihi detis hanc [c] veniam, accommodatam huic reo, vobis, quemadmodum spero, non molestam; ut me pro summo poëta, atque eruditissimo homine, dicentem, hoc concursu hominum literatissimorum, hac vestra humanitate, hoc denique Prætore exercente judicium, patiamini de studiis humanitatis ac literarum paullo loqui liberius: et in [d] ejusmodi persona, quæ propter otium ac studium [e] minime in judiciis periculisque tractata est, uti prope novo quodam et inusitato genere dicendi. Quod si mihi à vobis tribui concedique sentiam; perficiam profectò, ut hunc A. Licinium non modò non segregandum, cùm sit civis, à numero civium; verum etiam si non esset, putetis asciscendum fuisse.

a *auctorem*. b *formata*. c *potestatem*. d *tali*.
e *nunquam habuit experientiam judiciorum*.

which, Plutarch says, was extant in his time.

9. *Ad suscipiendam, et ad ingrediendam.*] Directed by the counsels of Archias, he undertook and pursued the study of the liberal arts with diligence.

12. *Alios.*] He says, that Archias had instructed him in eloquence, by which he was enabled to relieve those in distress.

15. *In hoc facultas.*] There was another reason for speaking for Archias, viz. he was a poet, and therefore endowed with a faculty different from that of an orator.

16. *Cuncti.*] Some think this should be read *uni*, others *curæ et;* either of which would be better than *cuncti.*

18. *Continentur.*] He contends that all the liberal arts are nearly allied to each other, and speaks of this encyclopedia of the arts, which he explains according to the opinion of Plato, *lib.* 3. *de Orat.*

19. *In quæstione legitima.*] A legal proceeding.

20. *In Judicio publico.*] Whatever the magistrates, sitting as judges, decreed, or the judges appointed by the magistrate determined concerning any law, was called *publicum judicium.* But as there was a law which was private, and one which was public, some trials and decisions were private, such as controversies between private citizens; others were public, and related to the trial and condemnation of criminals.

Ib. *Apud prætorem.*] He spoke of the number of the prætors, and their power, in *Orat. pro lege Manil. parag.* 1. *not. ad lin.* 13. He also spoke of the city prætor, who presided in trials between private citizens.

21. *Severissimos judices.*] Judges were appointed by the prætors, who gave no place for lenity and mercy.

27. *Hominum literatissimorum.*] Almost all those who were given to the study of polite literature, agreed that this was not the cause of Archias alone, but of literature and learned men in general.

NARRATIO.

In hac narratione describit vitam Archiæ à quinque capitibus: 1. à studiis: 2. à patria: 3. à fama: 4. ab adventu ejus in urbem, et familiaritate cum viris clarissimis: 4. à civitate.

II. Nam ut primum ex pueris excessit Archias, atque ab iis artibus, quibus ætas puerilis ad humanitatem informari solet, se ad scribendi studium contulit: primum Antiochiæ (nam ibi natus est, * loco nobili, et celebri quondam urbe et copiosa, atque eruditissimis hominibus liberalissimisque studiis affluenti) celeriter antecellere omnibus ingenii gloriâ contigit; post in cæteris Asiæ partibus, cunctæque Græciæ, sic ejus adventus celebrabatur, ut famam ingenii exspectatio hominis, exspectationem ipsius adventus admiratioque superaret. Erat Italia tunc plena Græcarum artium ac disciplinarum: studiæque hæc et in Latio vehementius tum colebantur, quàm nunc iisdem in oppidis: et hic Romæ propter tranquillitatem reipub. non negligebantur. Itaque hunc et Tarentini, et Rhegini, et Neapolitani civitate cæterisque præmiis donarunt: et omnes, qui aliquid de ingeniis poterant judicare, cognitione, atque hospitio dignum existimarunt. Hac tanta celebritate famæ cum esset jam absentibus notus, Romam venit, Mario consule, et Catulo; nactus est primùm consules eos, quorum alter res

* *a genere.*

1. *Iis artibus.*] Grammar, rhetoric, poetry, history, and geography, are the arts by which the mind is endowed with a taste for learning, and which give it a new form.

3. *Antiochiæ.*] Antioch, the chief city of Syria, which Strabo, *lib.* 16. says, was founded by Seleucus Nicanor.

9. *Græcarum artium.*] Greece was the fountain whence the liberal arts had flowed into Italy, principally after the overthrow of Carthage.

Ib. *In Latio.*] Before the war of the allies. literature flourished in Latium. This country was distinct from that part properly called Italy, for Italy in general was divided into four parts; one of which was called Latium, and extended fifty thousand paces from the longitude of the Tiber. Rome was situated in this part. Another part retained the name of Italy: hence some were called Latins, and others Italians. The third part was hither Gaul, reduced to the form of a province. From this divison arose the four laws of the Provincials, Italians, Latins, and Quirites, or Roman citizens.

11. *Romæ propter tranquillitatem.*] The ancient Romans devoted themselves entirely to the military art, and neglected literature: on which account Cato, in his oration, objects it, as if a disgrace to M. Nobilior, that he had brought poets into the province. But when the republic became more tranquil, the Romans began to cultivate those arts which they had received from the Greeks.

12. *Tarentini,* &c.] The Tarentines were a people of greater Greece, i. e. of Campania and Calabria, which were on the coast opposite Sicily, where Neapolis was situated.

Ib. *Civitate donarunt.*] According to the Roman law, no person could be a citizen of two cities at the same time: concerning which see *Orat. pro Cæcinna.* But persons who were citizens in any one of the cities, might enjoy the rights and privileges of the rest.

14. *Hospitio.*] It was customary in those times for the citizens of the different cities to exercise the rights of hospitality towards each other: this law afterwards extended itself between not only individual persons, but also between cities. That which the Latins called *hospitium publicum,* between the people, the Greeks called προξενιαν that which was between private individuals, the former called *privatum,* the latter ιδιοξενιαν. There was a badge or pledge, which gave a right to be entertained. Whence Plautus *in Pæn. Deum hospitalum et tesseram meeum fero.*

15. *Mario consule et Catulo.*] Marius and Catulus were consuls in the year 651.

16. *Quorum alter.*] Marius was in his fourth consulship, and had taken Jugurtha and conqeured the Cimbri, Teutones, and Ambrones; all of which afforded extensive themes for writing. Plutarch gives

ad scribendum maximas, alter cùm res gestas, tum etiam studium atque aures adhibere posset; statim Luculli, cùm prætextatus etiam tum Archias esset, eum domum suam receperunt. Sed etiam hoc non solum ingenii ac literarum, verum etiam naturæ atque virtutis fuit, ut domus, quæ hujus adolescentiæ prima fuerit, eadem esset familiarissima senectuti. Erat temporibus illis jucundus Q. Metello illi Numidico, et ejus Pio filio: audiebatur à M. Æmilio: vivebat cum Q. Catulo, et patre et filio: à L. Crasso colebatur: Lucullos vero, et Drusum, et Octavios, et Catonem, et totam Hortensiorum domum devinctam consuetudine cùm teneret, afficiebatur summo honore, quòd eum non solum colebant, qui aliquid percipere aut audire studebant, verum etiam, si qui forte simulabant. [a] Interim satis longo intervallo, cùm esset cum L. Lucullo in Siciliam profectus, et cùm ex ea provincia cum eodem Lucullo decederet, venit Heracleam. Quæ cùm esset civitas æquissimo jure ac fœdere, adscribi se in eam civitatem voluit: idque, cùm ipse per se dignus putaretur, tum auctoritate, et gratia

a *postea.*

an account of all these things in his life of Marius.

17. *Alter cùm res gestas.*] Cicero speaks in the highest terms of this Catulus in his book *de Clar. Orat. an lib.* 3. *de Oratore.*

18. *Luculli.*] Lucius and Marcus Lucullus, were brothers; the former triumphed over Mithridates and Tigranes, the latter over Macedonia. Plutarch informs us, that Lucius collected a great number of very excellent books, that his library was open to every studious person, and that the Greeks spent the day there in a very pleasant manner; being engaged in conversation, reading, and disputations. He also informs us, that he cherished and reverenced the Greeks, invited them to feasts; and, finally, made his house free to all of them who came to Rome.

Ib. *Prætextatus.*] It is probable that Archias was of a more advanced age than this would seem to indicate; but he is called *prætextatum* by Cicero, because, though a young man, yet, on account of his talents, and learning, he was received by the *Luculli*, and had the freedom of the city granted to him.

21. *Familiarissima senectuti.*] Cicero asserts, that the pleasantness of Archias was such, that, at an advanced age, he merited the same praise as when young.

22. *Metello Numidico.*] Q. Cæcilius was called Numidicus, because when consul he had routed Jugurtha in two battles, and had laid waste all Numidia. Plutarch says, that he was the uncle of the Luculli.

23. *Pio filio.*] Q. Metellus was called Pius, because by his supplications he obtained the recall of his father from exile.

Ib. *M. Æmilio.*] Æmelius Scaurus was prince of the Senate, and a man of great influence among the Romans.

Ib. *Q. Catulo.*] Catulus was an orator and a consul.

24. *L. Crasso.*] Lucius Crassus was a great orator; Cicero, *in lib. de Orat.* makes mention of his speaking.

Ib. *Drusum.*] The uncle of M. Cato, whom Vellius says, was slain in his own house, whilst tribune of the people, in the beginning of the war with the allies.

25. *Octavios.*] There were three Octaviuses: Cneus, who was consul with Cinna, whom he drove out of the city for enacting pernicious laws; another Cneus, who was the colleague of Curio in the consulship, and Lucius the brother of Cneus; he was consul with Cotta.

Ib. *Catonem.*] This Cato was the father of Cato Uticensis, who slew himself.

29. *Siciliam profectus.*] Lucullus went as quæstor into Asia, and as prætor into Sicily, and when consul he obtained Asia: Archias followed him into all these provinces.

30. *Heracleam.*] Heraclea was a city of Italy, on the confines of Campania, where Tarentum, and Rhegium, and other cities were situated; of which see above. According to Strabo, it was first called Troy; but colonies of the Tarentines being brought over to it, it was afterwards called Heraclea. But as the city Heraclea enjoyed the privileges of a Roman city, and Archias had been enrolled as one of its citizens, he was certainly entitled to the privileges of a Roman citizen; for the inhabitants of the federated cities, enjoyed the same privileges as the Romans.

31. *Æquissimo jure ac fœdere.*] That league with Heraclea was ratified in the time of Pyrrhus, in the consulship of Fabricius, U. C. 475.

Luculli ab Heracliensibus impetravit. Data est civitas Silvani lege, et Carbonis, SI QUI FOEDERATIS CIVITATIBUS ADSCRIPTI FUISSENT: SI TUM, CUM, LEX FEREBATUR, IN ITALIA DOMICILIUM HABUISSENT: ET SI SEXAGINTA DIEBUS APUD PRÆTOREM ESSENT PROFESSI. Cum hic domicilium Romæ multos jam annos haberet, professus est apud Prætorem Q. Metellum, familiarissimum suum.

CONFIRMATIO.

Duas habet partes, quarum hæc prima est, Civis Romanus est Archias.

III. Si nihil aliud, nisi de civitate, ac lege dicimus, nihil dico amplius: causa ᵃdicta est. Quid enim horum infirmari, Gracche, potest? Heracleæne esse eum adscriptum negabis? adest vir summa auctoritate, et religione, et fide, M. Lucullus, qui se non opinari, sed scire: non audivisse, sed vidisse: non interfuisse, sed egisse dicit. Adsunt Heraclienses legati, nobilissimi homines, qui hujus judicii causa cum mandatis et cum publico testimonio venerunt, qui hunc adscriptum Heracliensem dicunt. Hic tu tabulas desideras Heracliensium publicas, quas Italico bello, insenso tabulario, interisse scimus omnes. Est ridiculum ad ea quæ habemus nihil dicere; quærere quæ habere non possumus: et de hominum memoria tacere, literarum memoriam flagitare: et, cum habeas amplissimi viri religionem, integerrimi municipii jusjurandum fidemque, ea, quæ depravari nullo modo possunt, repudiare; tabulas, quas idem dicis solere corrumpi, desiderare. An domicilium Romæ non habuit is, qui tot annis ante civitatem datam, sedem omnium rerum ac fortunarum suarum Romæ collocavit? At non est professus; immo vero iis tabulis professus, quæ solæ ex illa professione, collegioque Prætorum obtinent publi-

ᵃ *defensa.*

33. *Silvani lege, et Carbonis.*] In the consulship of Cn. Pompeius Strabo and L. Porcius Carbo, M. Plautius Silvanus and Cn. Papirius Carbo, tribunes of the people, passed a law concerning strangers in the following words: *Si qui fœderatis, &c.*

36. *Sexaginta diebus.*] The three heads of this law were,—if any one has been enrolled in a confederate city, if he has a possession in Italy, if in sixty days he had declared himself to the prætor, that is, within sixty days after the passage of this law, he shall be entitled to the privileges of a Roman citizen.

6 *Adsunt Heraclienses legati.*] He takes occasion to strengthen his arguments, from the number of the witnesses who were present.

8. *Tabulas publicas.*] All the public acts of the city, and the names of all the citizens, were registered in the public records.

9. *Italico bello.*] The Italians, losing all hope of becoming masters of the city, entered into a conspiracy, and made war upon the Roman people: this was called the war of the allies, and also the Marsian war, because it was first excited by the Marsians.

10. *Quærere quæ habere non possumus.*] He says that it is ridiculous to seek for records which have perished, and which, if produced, could only preserve the remembrance of things which are past; particularly as it was fresh in every one's memory that Archias was gifted with the liberty of the city; besides which the testimony of Lucullus and the Heraclians can be had.

12. *Religionem.*] The oath; because swearing was considered as a religious exercise.

13. *Municipii.*] Municipium was a town enjoying the rights of a Roman city, or, as Pliny says, a town of Roman citizens.

16. *Sedem omnium rerum.*] He asserts, that Archias had determined to live and die at Rome, because he had all his property in that place.

17. *Iis tabulis professus.*] He took care that this name should be recorded, as the law prescribed; not on the records, which were negligently kept by the prætor, and on which many wrote their names private-

carum tabularum auctoritatem. Nam cum Appii tabulæ negligentius asservatæ dicerentur; Gabinii, quamdiu incolumis fuit, levitas, post damnationem, calamitas, omnem tabularum fidem resignasset; Metellus, homo sanctissimus modestissimusque omnium, tanta diligentia fuit, ut ad L. Lentulum Prætorem, et ad judices venerit, et unius nominis litura se commotum esse dixerit. His igitur tabulis nullam lituram in nomen A. Licinii videtis. Quæ cum ita sint, quid est quod de ejus civitate dubitetis, præsertim cùm aliis quoque in civitatibus fueret adscriptus? Etenim cum mediocribus multis, et aut nulla, aut humili aliqua arte præditis, gratuito civitatem in Græcia homines impertiebantur; Rheginos credo, aut Locrenses, aut Neapolitanos, aut Tarentinos, quod scenicis artificibus largiri soleant, id huic summa ingenii prædito gloria, noluisse? Quid? cum cæteri non modò post civitatem datam, sed etiam post legem Papiam, aliquo modo in eorum municipiorum tabulas irrepserint; hic, qui nec utitur quidem illis, in quibus est scriptus, quod semper se Heracliensem esse voluit, rejicietur? Census nostros requiris scilicet. Est enim obscurum, proximis censoribus, hunc cum clarissimo imperatore L. Lucullo apud exercitum fuisse: superioribus, cum eodem Quæstore fuisse in Asia: primis, Julio et Crasso, nullam populi partem esse censam.

ly; but on those which were kept by Metellus, an upright man: he proves from the records themselves, that he had declared his intentions to become a Roman citizen.

19. *Appii tabulæ.*] Appius and Gabinus, were prætors when Archius declared himself.

20. *Post damnationem.*] It does not appear for what crime he was condemned; for this is not that A. Gabinius who was afterwards consul, of whom mention is made in Pisoniana.

21. *Resignasset.*] After the condemnation and calamity of Gabinus, the records were published; before which time records of this kind were sealed with the ring of the prætor.

Ib. *Metellus.*] Archias declared himself to Metellus the prætor.

23. *Unius nominis litura.*] In those tables there was only one name blotted, by which Metellus said it was removed; but this was not the case with the name of Archias.

27. *Cum mediocribus multis.*] By an argument from the less to the greater, he proves his point; that is, if men of inferior callings enjoyed the privileges of citizens, certainly Archias, who was master of the highest arts, should.

28. *Gratuito.*] If Greece bestowed the freedom of its cities without the recommendation of merit, why should it not be given to so remarkable a man.

Ib. *In Græcia.*] He intends magna Græcia, which extended from the borders of Latium to Tarentum, and even to Cumæ.

29. *Locrenses.*] The Locrensians had bestowed the freedom of their city upon Archias; they were a people of the farthest part of Italy, called magna Græcia.

31. *Post civitatem datam.*] This refers to the law made by Syllanus and Carbo, which is mentioned before.

32. *Post legem Papiam.*] It was first decreed by the Petronian law, that strangers should not enjoy the privileges of citizens. Papius, a tribune of the people, restored this law in the consulship of Cotta, and Manlius in the year of the city 688. In his third book of Offices, Cicero speaks of each law.

Ib. *In tabulas irrepserunt.*] Since others have found means to creep into the records why shall not Archias obtain the freedom of the city, &c.

35. *Census nostros requiris.*] His adversary denied that Archias had been assessed, for it was customary among the Romans to value the property of the citizens every fifth year. But Cicero answers, that he was not assessed, either because he was absent from Rome at the time on which that was taken, or had been neglected. But the census does not confirm the rights of citizens; that is, it neither makes nor confirms a citizen, but only shows who were assessed.

37. *Superioribus.*] L. Marcius Philippus and M. Perpenna, made the sixty-sixth lustration on the third year after Archias had gone to Asia with Lucullus the quæstor. After which there was no lustration until the year 673, in which L. Gellius and Cn. Lentulus, the censors, made the sixty-seventh, when Lucullus carried on the war in Asia against Mithridates; and these Cicero calls the next.

38. *Julio et Crasso.*] L. Julius Cæsar and P. Licinius Crassus, were censors in the

Sed quoniam census non jus civitatis confirmat, ac tantummodo indicat, eum, qui sit census, ita se jam tum gessisse pro cive: iis temporibus, quæ tu criminaris, ne ipsius quidem judicio eum in civium Rom. jure esse versatum, et testamentum sæpe fecit nostris legibus, et adiit hæreditates civium Rom. et in beneficiis ad ærarium delatus est à L. Lucullo Prætore, et Consule. Quære argumenta, si quæ potes: nunquam enim hic neque suo, neque amicorum judicio [a] revincetur.

SECUNDA PARS CONFIRMATIONIS.

Etiamsi Archias civis Romanus non esset, adsciscendus fuit.

Propositionem hoc syllogismo complectitur: *Poetæ docti et ingeniosi, propter suæ doctrinæ fructum, delectationem, et dignitatem, inter cives adsciscendi sunt; Archias talis est; igitur est adsciscendus inter cives.*

IV. Quæres à nobis, Gracche, cur tantopere hoc homine delectemur? quia suppeditat nobis, ubi et animus ex hoc forensi strepitu reficiatur, et aures convicio defessæ conquiescant. An tu existimas, aut suppetere nobis posse, quod quotidie dicamus in tanta varietate rerum, nisi animos nostros doctrinâ excolamus: aut ferre animos tantam posse contentionem, nisi eos doctrinâ eadem relaxemus? Ego vero fateor, me his studiis esse deditum: cæteros pudeat, si qui ita se literis abdiderunt, ut nihil possint ex his neque ad communem afferre fructum, neque in adspectum lucemque proferre. Me autem quid pudeat, qui tot annos ita vivo, Judices, ut ab nullius unquam me tempore, aut commodum, aut otium meum abstraxerit, aut voluptas avocarit, aut denique somnus retardarit? Quare quis tandem me reprehendat, aut quis mihi jure succenseat, si, quantum cæteris ad suas res obeundas, quantum ad festos dies ludorum celebrandos,

a convincetur.

consulship of Cn. Pompey and Porcius Cato in the year of the city 664.

42. *Testamentum fecit.*] He proves that Archias was a Roman citizen from his making a will, inheriting an estate, and being recommended to the treasury. But both of these were privileges peculiar to citizens; strangers being deprived of both rights.

43. *Adiit hæreditates.*] It was lawful to make any one an heir, provided he was a Roman citizen.

Ib. *In beneficiis ad ærarium.*] It was usual for the Roman generals to recommend those to the treasury, who, in the course of a war, had done any considerable service to the state; which recommendation, as it did them no small honour, so it contributed not a little to their advancement.

44. *Quære argumenta.*] Cicero was so confident of success, that he told his adversary that arguments sufficiently strong could not be found, to prove that Archias the poet was not a citizen.

1. *Quæres à nobis.*] By anticipation, he passes to a commendation of Archias; and in this he digresses into the praise of poetry.

3. *Convicio.*] *Convicium* is that railing accusation which is brought against the accused by the prosecutor, which has no object except reproach.

10. *Ut ab nullius.*] In other editions it is *ut ab illis nullo me unquam temp.* But Peter Victorious thinks that the place is corrupted, (*lib.* 2 various readings, cap. 9) and should be thus replaced: *Ut à nullius me tempore, aut commodo, aut etiam otium meum abstraxerit,* &c.; for he shows that he had an inclination to study, but injured no one. Nor was he of that kind of men who were so much delighted with these studies that he neglected private and public duties; but he was always at hand to those who wished to employ him, and diligently served their circumstances. Neither could he be torn away from his duty by tranquillity, or called away by pleasure, or retarded by sleep: therefore he was free from every fault. For he immediately tells us what time he spent in the acquisition of letters, and the liberal arts, much to his praise; and greatly to the disgrace of some who follow a very different course of life, which he describes.

quantum ad alias voluptates, et ad ipsam requiem animi et corporis conceditur temporis: quantum alii tribuunt tempestivis conviviis, quantum denique aleæ, quantum pilæ: tantum mihi egomet ad hæc studia [a] recolenda sumpsero? Atque hoc adeo mihi concedendum est magis, quod ex his studiis, hæc quoque crescit oratio, et facultas: quæ quantacunque in me est, nunquam amicorum periculis defuit; quæ si cui levior videtur; illa quidem certe, quæ summa sunt, ex quo fonte hauriam, sentio. Nam nisi multorum præceptis, multisque literis mihi ab adolescentia suasissem, nihil esse in vita magnopere expetendum, nisi laudem atque honestatem; in ea autem [b] persequenda omnes cruciatus corporis, omnia pericula mortis atque exsilii parvi esse ducenda: nunquam me pro salute vestra in tot ac tantas dimicationes, atque in hos [c] profligatorum hominum quotidianos impetus objecissem. Sed pleni omnes sunt libri, plenæ sapientium voces, plena exemplorum vetustas: quæ jacerent in tenebris omnia, nisi literarum lumen accederet. Quàm multas nobis [d] imagines, non solum ad intuendum, verum etiam ad imitandum, fortissimorum virorum [e] expressas, scriptores et Græci et Latini reliquerunt? quas ego mihi semper in administranda repub. proponens, animum et mentem meam [f] ipsa cogitatione hominum excellentium conformabam. Quæret quispiam, quid? illi ipsi summi viri, quorum virtutes literis proditæ sunt, istane doctrina, quam tu laudibus effers, eruditi fuerunt? Difficile est hoc de omnibus confirmare: sed tamen est certum, quid respondeam. Ego multos homines excellenti animo ac virtute fuisse, et sine doctrina, naturæ ipsius habitu prope divino, per seipsos et moderatos, et graves exstitisse fateor; etiam illud adjungo, sæpius ad laudem atque virtutem naturam sine doctrina, quam sine natura valuisse doctrinam; atque idem ego contendo, cum ad naturam eximiam atque illustrem accesserit ratio quædam conformatioque doctrinæ; tum illud nescio quid præclarum ac singulare solere [g] exsistere. Ex hoc esse hunc numero, quem patres nostri viderunt, divinum hominem, Africanum: ex hoc C. Lælium, L. Furium, modestissimos homines, et continentissimos: ex hoc fortissimum virum, et illis temporibus doctissimum, M. Catonem illum senem: qui profecto,

a *repetenda.* b *inquirenda* c *perditorum.* d *exempla.*
e *veras.* f *cogitando de hominibus excellentibus.* g *apparere.*

16. *Tempestivis conviviis.*] Such entertainments as began before the ordinary hour, (which was about nine, or our three o'clock,) and were lengthened out till late at night, were called *tempestiva convivia.*

19. *Crescit oratio.*] Quintilian, *lib.* 10. *cap.* 1. says that reading the poets is a great assistance to orators.

26. *Tantas dimicationes.*] He intends those dissensions with Cataline and the other conspirators, which existed during his administration f the republic.

30. *Lumen accederet.*] Many things are made known by literature, and thus delivered from oblivion.

35. *Virtutes.*] By *virtutes*, he intends the great exploits of bravery, which Cicero every where speaks of, under the name of virtue.

46. *Africanum.*] The son of Paullus Æmilius was called Africanus Minor: Cicero says of him, *lib.* 1. *de Offic. Eloquentia cumulavit bellicam gloriam.*

Ib. *C. Lælium.*] This Lælius was called the wise; he, according to Cicero, *lib. de Clar. Orat.* was more illustrious than Scipio for his eloquence.

Ib. *L. Furium.*] In this book, *de Clar. Orat.* Cicero, says, *L. Furius perbene Latine loqui putabatur, literatiùsque quàm cæteri.*

48. *M. Catonem.*] Cato was a man of great gravity and fortitude. Cicero, in *lib. de Clar. Orat. et de senect.* frequently speaks of his eloquence: he applied himself to the study of Greek literature when

si nihil ad percipiendam colendamque virtutem literis adjuvarentur, nunquam se ad earum studium contulissent: Quòd si non hic tantus fructus ostenderetur, si ex his studiis delectatio sola peteretur: tamen, ut opinor, hanc animi remissionem humanissimam, ac liberalissimam judicaretis. Nam cætera, neque temporum sunt, neque ætatum omnium, neque locorum: at hæc studia adolescentiam alunt, senectutem oblectant, secundas res ornant, adversis perfugium ac solatium præbent: delectant domi, non impediunt foris: pernoctant nobiscum, peregrinantur, rusticantur. Quod si ipsi hæc neque attingere, neque sensu nostro gustare possemus, tamen ea mirari deberemus, etiam cùm in aliis videremus. Quis nostrùm tam animo agresti ac duro fuit, ut Roscii morte nuper non commoveretur? qui, cum esset senex, mortuus, tamen propter excellentem artem, ac venustatem, videbatur omnino mori non debuisse. Ergo ille corporis motu tantum amorem sibi conciliarat à nobis omnibus: nos animorum incredibiles motus, celeritatemque ingeniorum negligemus? Quoties ego hunc Archiam vidi, Judices, (utar enim vestra benignitate, quoniam me in hoc novo genere dicendi tam diligenter [a] attenditis) quoties ego hunc vidi, cum [b] literam scripsisset nullam, magnum numerum optimorum versuum de his ipsis rebus, quæ tum agerentur, dicere ex tempore? quoties revocatum eandem rem dicere commutatis verbis atque sententiis? quæ vero accurate cogitateque scripsisset, ea sic vidi probari, ut ad veterum scriptorum laudem pervenirent.

V. Hunc ego non diligam? non admirer? non omni ratione defendendum putem? Atqui sic à summis hominibus eruditissimisque accepimus, cæterarum rerum studia, et doctrina, et præceptis, et arte constare; poetam natura ipsa valere, et mentis viribus excitari, et quasi divino quodam spiritu inflari. Quare suo jure noster ille Ennius sanctos appellat poetas, quòd quasi deorum aliquo dono atque munere commendati nobis esse videantur. Sit igitur, Judices, sanctum apud vos, humanissimos homines, hoc poetæ nomen, quod nulla unquam barbaria violavit. Saxa et solitudines voci respondent, bestiæ

a *auditis.* b *nihil omnino scripsisset.*

very old, and was almost an old man when he learned Latin.

52. *Liberalissimam.*] The pleasure derived from study, is the most worthy of a man of liberal education.

53. *Nam cætera.*] Other studies do not suit all occasions, nor all ages, nor all places; but poetry is suited to all these. Some copies read *cætera*, and refer it to letters.

60. *Roscii.*] This was Roscius the comedian, for whom Cicero plead; and whom Q. Catulus, a most grave man, said was more beautiful than the rising sun, though he had very ugly eyes.

61. *Venustatem.*] He was so graceful in his movements, that it became common to call any one, who was elegant in his carriage, Roscius.

69. *Revocatum.*] Archias being requested to give a new turn to a subject, would produce new ideas in new language, with such facility that they appeared to have been written.

4. *Poetam natura ipsa valere.*] Cicero here alludes to that common saying about poets, *poetam nasci, oratorem fieri.* Indeed Cicero *in lib.* 1. *Tuscul. Quæst.* supposes, that a poet could not write a grave and full song without some heavenly influence assisting him.

6. *Sanctos appellat poetas.*] Plato calls the poets, sons of the Gods.

9. *Saxa et solitudines.*] As Cicero in this oration, is defending a poet, he speaks in a poetic style; for if he had intended to speak after the manner of orators, this would be considered as a bad oration, being not at all conformable to the truth.

Ib. *Voci respondent.*] The rocks answer by an echo.

Ib. *Bestiæ cantu flectuntur.*] He here

sæpe immanes cantu flectuntur, atque consistunt: nos instituti rebus optimis non poetarum voce moveamur? Homerum Colophonii civem esse dicunt suum, Chii suum vindicant, Salaminii repetunt, Smyrnæi vero suum esse confirmant; itaque etiam delubrum ejus in oppido dedicaverunt; permulti alii præterea pugnant inter se, atque contendunt. Ergo illi alienum, quia poeta fuit, post mortem etiam expetunt: nos hunc vivum, qui et voluntate et legibus noster est, repudiamus? præsertim cum omne olim studium, atque omne ingenium contulerit Archias ad populi Romani gloriam laudemque celebrandam; nam et Cimbricas res adolescens attigit, et ipsi illi C. Mario, qui durior ad hæc studia videbatur, jucundus fuit. Neque enim quisquam est tam aversus à Musis, qui non mandari versibus æternum suorum laborum facile præconium patiatur. Themistoclem illum, summum Athenis virum, dixisse aiunt, cum ex eo quæreretur, quod acroama, aut cujus vocem, libentissime audiret: Ejus, a quo sua virtus optime prædicaretur. Itaque ille Marius item eximie L. Plotium dilexit; cujus ingenio putabat ea, quæ gesserat, posse celebrari. Mithridaticum

alludes to the fable of Orpheus, who, as the poets pretended, in order to show the power of music on the minds even of the most ignorant, had charmed tygers, lions, rocks, woods, and trees with the sound sound of his harp.

11. *Colophonii.*] Colophon was a city of Ionia, celebrated for the oracle of Apollo, and also as being the birth place of Nicander the poet.

12. *Chii suum vindicant.*] Chios was an island in the Ægean sea; and if we credit Stephanus, there was a city of that name in Ionia.

Ib. *Salaminii.*] A people in the island of Cyprus.

Ib. *Smyrnæi.*] Smyrna was a city of Ionia.

All these people claimed Homer as their countryman, but according to the testimony of the most ancient authors, the Chians claimed him with the greatest justice. But though it could not be ascertained where Homer was born, his memory was always held in the highest estimation by the Greeks universally. Ptolemy Hephæstio in his extracts from Photius, who relates from the historian Hypermon, that the servant of Homer was fined a thousand drachms by the Chians, because he did not burn the body of Homer. Julius Pollux *lib.* 9. *cap.* 6. says that the Chians had a piece of money, which they called a Homer, and that all their money had an image of Homer on one side, and that of a Sphinx on the other. To the same purpose are the opinions of Simonides, Pindar, Theocritus, Euthymenes, the emperor Constantine, Themistius, Claudian and Paulus Silentiarius, who called Homer the Chian poet. Leo Allatius has extensively quoted all of these in his book which he wrote concerning the birth place of Homer.

This dispute probably arose from the circumstance that there were a number of Homers who flourished at different times, all of whom were conspicuous either in literature or some of the arts. For besides our Homer, there were two who flourished at Chios, the one celebrated as a physician, the other as a magician; at Salamis there was a fourth a very rich man, who was a factor; there was a fifth who was a painter at Colophon; a sixth was skilled in civil law; the seventh was a musician at Athens; and the eighth, who lived at Mæonia, was celebrated for his knowledge of the Greek language.

15. *Ergo illi alienum.*] If these people were so anxious to have Homer considered their countrymen, even after his death, the Romans should not refuse to receive Archias who is conversant with the Roman laws.

19. *Cimbricas res attigit.*] He dercribed the things carried on against the Cimbrians, and thus extolled the glory of the Roman name.

Ib. *Mario.*] Marius, who was a despiser of this kind of study, and of the Greek language, in which Archias wrote, was very well disposed towards Archias.

22. *Themistoclem,*] Themistocles the Anthenian, was so great a general that no one of the Greeks was considered greater, and few were thought to be his equals, according to Nepos.

25. *Plotium.*] Plotius is numbered by Suetonius, among the illustrous orators; there was also another Plotius, who was a poet, and no mean Philosopher.

vero bellum magnum atque difficile, et in multa varietate, terra marique versatum, totum ab hoc expressum est: qui libri non modò L. Lucullum, fortissimum et clarissimum virum, verum etiam populi Romani nomen illustrant. Populus enim Rom. aperuit, Lucullo imperante, Pontum, et regiis quondam opibus et ipsa natura regionis vallatum: populi Romani exercitus, eodem duce, non maxima manu, innumerabiles Armeniorum copias fudit: populi Rom. laus est, urbem amicissimam Cyzicenorum, ejusdem consilio, ex omni impetu regio, ac totius belli ore ac faucibus ereptam esse atque conservatam: nostra semper feretur et prædicabitur, L. Lucullo dimicante, cum interfectis ducibus depressa hostium classis, et incredibilis apud Tenedum pugna illa navalis: nostra sunt tropæa, nostra monumenta, nostri triumphi; quia quorum ingeniis hæc feruntur, ab iis populi Rom. fama celebratur. Carus fuit Africano superiori noster Ennius; itaque etiam in sepulcro Scipionum putatur is esse constitutus è marmore. At iis laudibus certè non solùm ipsi, qui laudantur, sed etiam populi Rom. nomen ornatur. In cælum hujus proavus Cato tollitur; magnus honos populi Rom. rebus adjungitur; omnes denique illi Maximi, Marcelli, Fulvii non sine communi omnium nostrûm laude decorantur. Ergo illum, qui hæc fecerat, Rudium hominem majores nostri

28. *Expressum est.*] That war was described in verse by this poet.

30. *Lucullo imperante.*] Concerning him and Pontus, the kingdom of Mithridates. See the Oration *pro lege Manil.*

32. *Non maxima manu.*] When Tigranes, who had a great army, saw Lucullus coming with one far inferior, he is represented as saying, if they come as ambassadors, there is a sufficient number, but if to fight, there is very few.

33. *Armeniorum.*] Tigranes was king of the Armenians, concerning the destruction of whose forces, see *Orat. pro lege Manil.*

Ib. *Urbem Cyzicenorum.*] See *Orat. pro lege Manil. parag. 8. not. ad. l.* 10.

35. *Belli ore ac faucibus.*] This is an elegant metaphor taken from the extreme danger of coming into the jaws of wild beasts. Mithridates supposed that this city would be to him the gate of Asia, which being broken down, the province would be exposed, against it therefore he turns the whole force of war.

39. *Quorum ingeniis.*] He concludes from this, in how great esteem Archias and other erudite men should be held, who, being Romans, might perpetuate the glory of the Roman name.

40. *Noster Ennius.*] Ennius was an ancient poet, born at Rudiæ, a town in Calabria, he wrote books of annals, and many other things, all of which have been lost except a few fragments which are handed down to us. Horace thus speaks of him:

Ennius ipse pater nunquam nisi potus ad arma
Prosiluit dicenda.

Scipio Africanus had a great regard for him, and, according to Valerius Maximus, erected his statue among the monuments of the Cornelian family, because he judged that his own actions had been celebrated by his ingenuity. Ovid assents to this when he sing.

Ennius emeruit, Calabris in montibus ortus,
Contiguus poni, Scipio magne, tibi.

41. *In sepulchro.*] The sepulchre of Africanus was erected on the Appian way, within a mile of the city.

43. *Hujus proavus.*] He probably alludes to some of those who were present, either as patrons or judges. This was Cato the elder; the power of whose mind Livy says was so great, that there was no art, either public or private, of managing affairs, wanting in him. In war, he was one of the best generals; in peace, he was acquainted with civil law, and very eloquent in pleading causes.

44. *Illi Maximi,* &c.] He speaks of those who were illustrious for their victories in the second Punic war, whose fame Ennius had celebrated in his songs. The chief of these were Q. Fabius Maximus, who by his delays restored the state; M. Claudius Marcellus, who taught Hannibal that he could be conquered; and Q. Fulvius Flaccus, who, by a remarkable victory, retook Capua.

46. *Rudium hominem.*] The city Rudiæ was situated in Calabria, among the Salentines. It was the birth place of Ennius, upon whom the freedom of the city had been bestowed, because he had written the illustrious actions of those generals

in civitatem receperunt: nos hunc Heracliensem, multis civitatibus expetitum, in hac autem legibus constitutem, de nostra civitate ejiciemus? Nam si quis minorem gloriæ fructum putat ex Græcis versibus percipi, quàm ex Latinis, vehementer errat; propterea quod Græca leguntur in omnibus fere gentibus, Latina suis finibus, exiguis sanè, continentur. Quare, si res hæ, quas gessimus, orbis terræ regionibus definiuntur; cupere debemus, quò minus manuum nostrarum tela pervenerint, eòdem gloriam famamque penetrare: quòd cùm ipsis populis, de quorum rebus scribitur, hæc ampla sunt; tum iis certe, qui de vitâ gloriæ causâ dimicant, hoc maximum et periculorum incitamentum est, et laborum.

VI. Quàm multos scriptores rerum suarum magnus ille Allexander secum habuisse dicitur? Atque is tamen cùm in Sigeo ad Achillis tumulum adstitisset, O fortunate, inquit, adolescens, qui tuæ virtutis Homerum præconem inveneris! Et verè; nam nisi Ilias illa exstitisset, idem tumulus, qui corpus ejus contexerat, nomen etiam obruisset. Quid? noster hic Magnus, qui cum virtute fortunam adæquavit. nonne Theophanem Mitylenæum, scriptorém rerum suarum, in concione militum civitate donavit? et nostri illi fortes viri, sed rustici ac

in his verses: is it then just that Archias should be rejected by the City.

47. *In civitatem receperunt.*] Ennius was made a citizen by the son of M. Fulvius, whom he had followed when carrying on war against the Ætolians.

Ib. *Multis civitatibus expetitum.*] We saw above that Archias had the freedom of their cities granted to him by the Rhegians, Locrensians, Neapolitans, &c.: all of whom were anxious that he should reman with them.

49. *Nam si quis minorem.*] He here teaches, that they were mistaken who supposed that there was less glory to be collected from the writings of the Greeks than of the Romans; and on that account thought that Archias, who wrote in Greek, was of less note.

51. *Leguntur in omnibus gentibus.*] The Greek language was used every where. Didorus Siculus and Cæsar in his Commentaries, teaches us that it was in use among the Gauls when the Latin was entirely unknown. But the Roman empire, increasing every day, it, at length, says Pliny, *una cunctarum gentium in tote orbe patria facta est.*

53. *Quò minus manuum.*] It appears that the particle *minus* should be expunged, as it obscures the sense. Thus therefore Cicero argues, since it is plain that the Greek language is more extensively known than the Latin, and our arms and actions have gone over the whole world, we should wish that our glory and fame should be extended as far as our weapons; for which the Greek is completely suited, and the Latin is not. Wherefore, Licinius, who writes poems in that language, should have all respect shown him.

2. *Secum habuisse dicitur.*] He proves in how great esteem the poets were held by great men, from the example of Alexander the great, who always had a great number of them with him; who, notwithstanding that they were rude and uncultivated, were loaded by him with gifts: whence Horace sings

Gratus Alexandro regi Magno fuit ille
Chœrilus, incultis qui versibus et male natis
Rettulit acceptos, regale numisma, Philippos.

3. *O fortunate, adolescens.*] He was happy for two causes: 1. On accont of his eminent virtue. 2. Because Homer had celebrated that eminent virtue, the benefit of which would long remain, as the following words indicate.

4. *Ilias illa.*] The Iliad was Homer's best work: it is so called because it contains an account of the Trojan war.

6. *Noster hic Magnus.*] He proves it, in the second place, from the example of Pompey the Great; who, when he went into Spain to a very dangerous war, by a law passed by L. Gellius Publicola and Cn. Cornelius Lentulus, obtained power to grant the freedom of the city to all who conducted themselves well and bravely in the war.

7. *Theophanem Mitylenæum.*] Theophanes, the historian and poet, who celebrated the actions of Pompey in verse; and who, by the common consent of the soldiers, obtained the freedom of the city.

8. *Sed rustici ac milites.*] According to Cato, in his book *de Re rustica*, the bravest men and most efficient soldiers came

milites, dulcedine quâdam gloriæ commoti, quasi participes ejusdem laudis, magno illud clamore approbaverunt? Itaque, credo, si civis Rom. Archias legibus non esset, ut ab aliquo imperatore civitate donaretur, perficere non potuit. Sulla cùm Hispanos et Gallos donaret, credo, hunc petentem repudiasset: quem nos in concione vidimus, cùm ei libellum malus poëta [a] de populo subjecisset, quod epigramma in eum fecisset tantummodo alternis versibus longiusculis, statim ex iis rebus quas tunc vendebat, jubere ei præmium tribui sub ea conditione, ne quid postea scriberet. Qui [b] sedulitatem mali poëtæ duxerit aliquo tamen præmio dignam? hujus ingenium et virtutem in scribendo, et copiam non expetisset? Quid? à Q. Metello Pio, familiarissimo suo, qui civitate multos donavit, neque per se, neque per Lucullos impetravisset? qui præsertim usque eò de suis rebus scribi cuperet, ut etiam Cordubæ natis poëtis pingue quiddam sonantibus atque peregrinum, tamen aures suas [c] dederet. Neque enim est hoc dissimulandum, quod obscurari non potest; sed præ nobis ferendum: trahimur omnes laudis studio, et optimus quisque maximè gloriâ ducitur. Illi ipsi Philosophi, etiam in illis libellis, quos de contemnenda gloria scribunt, numen suum inscribunt: in eo ipso, in quo prædicationem nobilitatemque despiciunt, prædicari se ac nominari volunt. Decimus quidem Brutus, summus ille vir et imperator, Attii, amicissimi sui carminibus, templorum ac monumentorum aditus exornavit suorum. Jam verò ille, qui cum Ætolis, Ennio comite, bellavit Fulvius, non dubitavit [d] Martis manubias Musis consecrare. Quare, in qua

a *vulgaris.* b *diligentiam.* c *accommodaret.* d *belli.*

from among the husbandmen: being more accustomed to endure labour than those of the city.

10. *Itaque, credo.*] This is irony. If the freedom of the city had not been bestowed upon Archias, he could easily have obtained that favour from Metellus, with whom he was intimate; or from Sylla, who was liberal even to bad poets.

12. *Hispanos et Gallos donaret.*] He proves it from the example of Sylla, who, as he had bestowed the freedom of the city upon the Spanish and Gallic soldiers, who had served in the wars, would certainly have bestowed it upon Archias, if he had requested such a favour.

15. *Alternis versibus longiusculis.*] That is, in hexameters and pentameters, or in such verses as were mostly written by Horace.

16. *Quas tunc vendebat.*] He gave to him of the goods of the Roman citizens, which were sold at auction in the forum, because they favoured the party of Marius. Cicero says this through envy to Sylla.

21. *Qui præsertim.*] He proves that Archias could obtain the right of citizenship from Metellus, because he was so much inflamed with a desire for praise, that he employed uncultivated poets to celebrate his praises.

22. *Cordubæ natis.*] Corduba was a city of Hispania Bœtica, in which many men celebrated for their learning were born; among whom the two Senecas and Lucanus stand highest.

Ib. *Pingue quiddam sonantibus, atque peregrinum.*] He finds fault with the unskilfulness of these writers, whose style is low; and, as is commonly said, laboured out with a kind of dull wit. It was not good Latin, because it abounded with foreign expressions which were not consonant with the purity of the Roman language. Indeed, it is easy to see that the style of the authors already mentioned is turgid and inflated; which style of writing flourished among the Cordubans, from the time of Cicero even to the time of the Senecas and Lucanus.

28. *Decimus Brutus.*] This Decimus Brutus was consul with Scipio in the year of Rome 616; and, going as general into Spain, he routed sixty thousand of the Gallæcians: for which he got the surname of Gallæceus.

29. *Attii.*] This Attius or Accius was a dramatic poet: he is mentioned in the tenth satire of the first book of Horace.

Nil comis tragici mutat Lucilius Acci?

31. *Bellavit Fulvius.*] When Fulvius Nobilior went into Ætolia to carry on war, he took with him Ennius, which Cicero,

urbe imperatores prope armati poëtarum nomen, et musarum delubra coluerunt, in ea non debent togati Judices à musarum honore, et à poëtarum salute abhorrere. Atque ut id libentius faciatis, jam me vobis, Judices, indicabo, et de meo quodam amore gloriæ nimis acri fortasse, verumtamen honesto, vobis confitebor. Nam quas res nos in consulatu nostro vobiscum simul pro salute hujus urbis atque imperii, et pro vita civium, proque universa republ. gessimus, attigit hic versibus, atque inchovit: quibus auditis, quòd mihi magna res et jucunda visa est, hunc ad perficiendum hortatus sum. Nulla enim virtus aliam mercedem laborum periculorumque desiderat, præter hanc laudis et gloriæ: quâ quidem detractâ, Judices, quid est quod in hoc tam exiguo vitæ curriculo, et tam brevi, tantis nos in laboribus [a] exerceamus? Certe si nihil animus præsentiret in posterum, et si, quibus [b] regionibus vitæ spatium circumscriptum est, [c] eisdem omnes cogitationes terminaret suas; nec tantis se laboribus frangeret, neque tot curis vigiliisque angeretur, neque toties de vita ipsa dimicaret. [d] Nunc insidest quædam in optimo quoque virtus, quæ noctes et dies animum gloriæ [e] stimulis concitat, atque admonet, non cum vitæ tempore esse dimittendam commemorationem nominis nostri, sed cum omni posteritate adæquandam. An verò tam parvi animi videamur esse omnes, qui in repub. atque in his vitæ periculis laboribusque versamur, ut, cum usque ad extremum spatium, [f] nullum tranquillum atque otiosum spiritum duxerimus, nobiscum simul moritura omnia arbitremur? An cum statuas et imagines, non animorum simulacra, sed corporum, studiosè multi summi homines reliquerunt, consiliorum relinquere ac virtutum nostrarum effigiem nonne multo malle debemus, summis ingeniis expressam et politam? Ego verò omnia, quæ gerebam, jam tum in gerendo spargere me ac disseminare arbitrabar in orbis terræ memoriam sempiternam. Hæc verò sive à meo sensu post mortem abfutura sunt, sive, ut sapientissimi homines putaverunt,

a *fatigemus.* b *terminis.* c *et interiret cum corpore.*
d *sed.* e *cupiditate.* f *nunquam tranquillè et otiosè vixerimus.*

lib 1 *Tuscul. Quæst.* says, Cato said was a disgrace.

32. *Quare, in qua urbe,* &c.] He draws his conclusion from the greater. Since generals entangled with the labours of war so esteemed the poet, that some of them adorned the entrances of the temples and of their monuments with their verses, and others took them for companions, and consecrated the price of the spoils of war to the Muses, certainly we, who wear the gown and live in splendid retirement, are invited to cultivate these studies, and to honour and preserve the poets. Brutus ornamented his monument with the verses of Attius, and Fulvius had Ennius for a companion.

38. *Pro salute hujus urbis.*] Cicero confesses that he was influenced by the same desire of praise, that other persons were who kept poets with them. By this he encouraged Archias to finish the work which he had commenced, describing the conspiracy which had been extinguished by him.

45. *Animus præsentiret in posterum.*] He declares that unless the mind perceived that it was immortal, it would not torment itself with so many labours.

48. *De vita ipsa dimicaret.*] The mind, as it is immortal, cannot struggle for life: by *animus,* he therefore intends the whole man.

56. *An cùm statuas et imagines.*] He shows that men who wish for statues, that fall down with age, should rather wish for those images of their counsels and virtues, which are portrayed by the poets to the everlasting glory of their name.

61. *Sive à meo sensu.*] Cicero here seems to doubt the immortality of the soul, and says that he does not see whether his soul will be altogether extinct, or will be conscious after death that he had done illustrious things, but that he was then comforted with the remembrance of them.

62. *Sapientissimi homines.*] Pythagoras,

ad aliquam animi mei partem pertinebunt, nunc quidem certe cogitatione quâdam, speque delector.

PERORATIO.

VIII. Quare, conservate, Judices, hominem pudore eo, quem amicorum studiis videtis comprobari tum dignitate, tum etiam venustate: ingenio autem tanto, quantum id convenit existimari, quod summorum hominum ingeniis expetitum esse videatis: causâ vero ejusmodi, quæ beneficio legis, auctoritate municipii, testimonio Luculli, tabulis Metelli comprobetur. Quæ cum ita sint, petimus à vobis, Judices, si qua non modò humana, verum etiam divina in tantis negotiis commendatio debet esse; ut eum, qui vos, qui vestros imperatores, qui populi Romani res gestas semper ornavit, qui etiam his recentibus nostris vestrisque domesticis periculis, æternum se testimonium laudum daturum esse profitetur, quique est eo numero, qui semper apud omnes sancti sunt habiti atque dicti, sic in vestram accipiatis [a] fidem, ut humanitate vestrâ levatus potius, quàm acerbitate violatus esse videatur. Quæ de causà, pro mea consuetudine, breviter simpliciterque dixi, Judices, ea confido probata esse omnibus: quæ non fori, neque judiciali consuetudine, et de hominis ingenio, et communiter de ipsius studio locutus sum, ea, Judices, à vobis spero esse in bonam partem accepta: ab eo, qui judioium exercet, certe scio.

a *tutelam.*

Socrates, and all the great and wise men of Greece, believed that the souls of men were immortal; and, that when they left the body, there was a way open for the best of them to enter heaven.

63. *Ad aliquam animi partem.*] Some of the ancients believed that the mind was divided into various parts; some of which contemplated the things of eternity, whilst others looked back upon the noble acts which they once did in this mortal life. But Plato says that the mind is divided into three parts; one by which a man learns, another by which he is angry, and a third which excites the desire of pleasures. The two last, he says, perish with the body; but the first, which includes reason, remains with the mind.

Ib. *Cogitatione quâdam,* &c.] Cicero, as he thinks that his soul is immortal, hopes that it will be conscious of the illustrious things which he did, so that he may derive some comfort from the remembrance of them.

1. *Amicorum.*] Archias had among his friends some of the greatest men, and some who stood high in authority, such as the Luculli and the Metelli.

2. *Venustate.*] He praises Archias, from the graceful manners and elegance of those who were taken with his studies and ingenuity.

3. *Summorum hominum.*] Archias must be a man of powerful mind, because he pleases such great men as the Marii, Luculli, and Metelli.

5. *Beneficio legis.*] He proves that the cause of Archias was in a good state, from having in its favour the law passed by Sylvanus and Carbo, the authority of the municipal town Heraclea, the testimony of Lucullus, and the register of Metellus.

7. *Si qua non modò humana,* &c.] The particle *si* is put affirmatively, so that this is the sense: "Since Archias has always celebrated your leaders, &c. he is worthy to be recommended to you, not only by men, but by the gods.

9. *His recentibus periculis.*] The dangers to which the republic was exposed by Cataline.

15. *Non fori consuetudine.*] Cicero had requested the judges to permit him to use a new and unusual kind of speaking in the defence of Archias.

18. *Qui judicium exercet.*] The name of the prætor who presided at this trial is not known.

PRO

M. COELIO.

Marcus Coelius was a young man of equestrian rank, whose genius and attainments, were of the first order, and whose education had been conducted under the superintendence of Cicero himself. At an early period, he began to exhibit a talent for public life; and before he was eligible to any office in the commonwealth, distinguished himself by two impeachments; the one against C. Antonius, the colleague of Cicero in the consulship, the other against L. Attratinus, for bribery and corruption. Attratinus' son revenged his fathers quarrel, and accused Cœlius of public violence; of being the friend of Cataline; of being concerned in the assassination of Dio, the chief of the Alexandrian embassy; of an attempt to poison Clodia the sister of Clodius, a woman of abandoned character; and of several other crimes. Cœlius had been the gallant of Clodia, and her resentment for his slighting her favours, was thought to be the real source of all his trouble. In this oration, which was delivered A. U. C. 697, he was defended by Cicero, and acquitted by his Judges, *Anno Ciceronis* 51. Cœlius perished a few years afterwards, in the civil war between Pompey and Cæsar.

EXORDIUM.

I. SI quis, Judices, fortè nunc adsit ignarus legum, judiciorum, consuetudinis nostræ; miretur profectò, quæ sit tanta atrocitas hujusce causæ, quòd diebus festis, ludisque publicis, omnibus negotiis forensibus intermissis, unum hoc judicium [a] exerceatur: nec dubitet quin tanti facinoris reus [b] arguatur, ut, eo neglecto, civitas stare non possit; idem, cum audiat esse legem, quæ de seditiosis consceleratis-

INTERPRETATIO.

a *fiat*. b *accusetur*.

NOTES.

1. *Ignarus legum.*] Cicero here intends the Plautian law, passed by M. Plautius a tribune of the people, in the consulship of Cn. Pompey Strabo and L. Porcius Cato, in the year of the city 664. By this it was required, that an inquisition should be held concerning those who had committed public violence with armed men.

2. *Consuetudinis.*] The Romans punished seditions immediately, nor was it lawful to hold the courts on festival days for any other purpose.

3. *Diebus festis.*] Festival days were sacred to the gods, on which account the people abstained from all work; and it was not lawful for the prætor to utter the words *do, dico, addico*. *Profesti dies* were days on which business in particular was attended to. *Intercisi* were days common to secular and religious purposes. On the festival days they held sacrifices, feasts, games, and holydays; on the *profesti*, they held calendars, comitial assemblies, adjournments, and contests. The *intercisi* were divided into certain parts, so that at certain hours in these days, it was lawful to plead, and on others it was not. Lucky days were those upon which the prætor might pronounce the words *do, dico, addico*. Unlucky days were the reverse of these. Comitial days were those upon which it was lawful to treat with the people, and make laws, the latter of which was also done on the lucky days. *Comprendini* were those on which it was lawful to give bail. *Stati* were those on which trials with strangers were settled.

Ib. *Ludisque publicis.*] Holydays were kept at Rome, when the public games were exhibited, trials were adjourned, the shops shut, and the forum adorned. By *ludos* in the plural, Cicero intends public shows, thus in his epist. to his brother Q. Scripsi *quo die ludi committebantur*. But *ludus* in the singular, is applied to a school, and every private gymnastic exercise when the master alone is present.

6. *Esse legem.*] Q. Lutatius Catulus

que civibus, qui armati Senatum obsederint, magistratibus vim attulerint, rempublicam oppugnârint, quotidie quæri jubeat; legem non improbet; crimen quod versetur in judicio, [a] requirat; cum audiat, nullum facinus, nullam audaciam, nullam vim in judicium vocari: sed adolescentem illustri ingenio, industriâ, gratiâ, accusari ab ejus filio, quem ipse in judicium et vocet, et vocarit; oppugnari autem opibus meretriciis: Atratini illius pietatem non reprehendat, muliebrem libidinem comprimendam putet; vos laboriosos existimet, quibus otiosis, ne in communi quidem otio, liceat esse. Etenim si attendere diligenter, existimareve de omni hac causa volueritis; sic [b] constituetis, Judices, nec descensurum quenquam ad hanc accusationem fuisse, cui, utrum vellet, liceret; nec, cum descendisset, quidquam habiturum spei fuisse, nisi alicujus intolerabili libidine, et nimis acerbo odio niteretur; sed ego Atratino, humanissimo atque optimo adolescenti, meo necessario, ignosco, qui habet excusationem vel pietatis, vel necessitatis, vel ætatis; si voluit accusare, pietati tribuo: si jussus est, necessitati: si speravit aliquid, pueritiæ; cæteris non modò nihil ignoscendum, sed etiam acriter est resistendum.

CONFUTATIO.

Duas partes continet ista Confutatio. Prior varia crimina complectitur, quæ in Cœlium conjecta sunt, ac citata in argumento hujus Orationis. Secunda pars complectitur aurum, quod aiebant accusatores Cœlium sumpsisse à Clodia; deinde venenum quod ei paratum à Cœlio dicebatur.

PRIMA PARS.

In quâ varia Cœlio abjecta crimina diluit.

II. Ac mihi quidem videtur, Judices, hic introitus defensionis,

a *inquirat.* b *decernetis.*

and C. Marius, the consuls, passed a law in the year of the city 651, against public violence, by which it was decreed that there should be a daily inquiry, even on festivals, and at the time of the public games, against wicked and seditious citizens, who, being armed, should surround the senate, do violence to a magistrate, or endeavour to overthrow the republic.

11. *Ab ejus filio.*] After Pola Atratinus had been acquitted, he was accused a second time by Cœlius, but to revenge the quarrel of his father, the son of Atratinus accused Cœlius, wherefore this must appear to the judges, not to be so much on account of accusation as of retaliation.

13. *Opibus meretriciis.*] That is by the wealth of Clodia, who, on account of her incest with her brother Clodius, had attacked Cœlius in a very injurious manner, and had excited the prosecution against him.

Ib. *Muliebrem libidinem.*] This Clodia, after the death of her husband, Q. Metellus, gave herself up to sensuality. It was thought by some, that a criminal intercourse was the origin of her quarrel with Cœlius.

18. *Cui, utrum vellet, liceret.*] That is to whom it is lawful to accuse or not to accuse. But he declares, that Atratinus was forced to accuse Cœlius by the riches and influence of Clodia.

Ib. *Descendisset.*] The phrase *decendere ad judicium* is common in Cicero, probably because most of the great men in Rome, lived upon hills; or the metaphor is taken from the contests, where they who fight are said *decendere ad certamen.*

22. *Pietati.*] Atratinus obeys the dictates of piety, because in accusing Cœlius he defends his father.

23. *Pueritiæ.*] From the three reasons mentioned, viz. piety, necessity, and youth, he excuses Atratinus that he may throw the odium of the accusation upon the other accusers, Herennius, Balbus, and Clodius.

adolescentiæ M. Cœlii maximè convenire, ut ad ea quæ accusatores, deformandi hujus causâ, detrahendæ spoliandæque dignitatis gratiâ dixerunt, primum respondeam. Objectus est pater variè, quòd aut parùm splendidus ipse, aut parùm piè tractatus à filio diceretur. De dignitate, Cœlius notis ac majoribus natu, etiam sine mea oratione, tacitus facilè ipse respondet; quibus autem propter senectutem, quòd jam diu minus in foro nobiscum versatur, non æque est cognitus; hi sic [a] habeant: quæcunque in equite Romano dignitas esse possit, quæ certe potest esse maxima, eam semper in M. Cœlio habitam esse summam, hodieque haberi, non solùm à suis, sed etiam ab omnibus, quibus potuerit aliqua de causa esse notus. Equitis autem Romani esse filium, criminis loco poni ab accusatoribus, neque his judicantibus oportuit, neque defendentibus nobis. Nam quod de pietate dixistis, est quidem ista nostra existimatio, sed judicium certè parentis: quid nos opinemur, audietis ex juratis; quid parentes sentiant, lacrymæ matris incredibilisque mœror, squalor patris, et hæc præsens mœstitia, quam cernitis, luctusque declarat. Nam, quod est objectum, municipibus esse adolescentem non [b] probatum suis: nemini unquam præsenti Puteolani majores honores habuerunt, quàm absenti M. Cœlio: quem et absentem in amplissimum ordinem coöptârunt, et ea non petenti detulerunt, quæ multis petentibus denegârunt: iidemque nunc lectissimos viros, et nostri ordinis, et equites Romanos, cum legatione ad hoc judicium, et cum gravissima atque ornatissima laudatione miserunt. Videor mihi jecisse fundamenta defensionis meæ: quæ

a *intelligant.* b *gratum.*

5. *Parùm splendidus.*] The adversaries of Cœlius had asserted, that his father was not fit company for illustrious men, on account of the meanness of his life.

13. *Criminis loco.*] Indeed his adversaries did not argue, that because he was a Roman knight, he was guilty of any crime, but because not being endowed with so much nobility, his audacity seemed the less tolerable.

Ib. *Neque his judicantibus, neque defendentibus nobis.*] The Roman knights and senators sat as judges, and Cicero himself a senator, but born in the equestrian order, defended the accused. Therefore, he says, it is unbecoming in the accusers to speak disrespectfully of that order.

15. *Est quidem nostra existimatio.*] We will think of his piety as it shall appear to us, but his father will judge of it. *Existimatio*, is a supposition or conjecture; *judicium*, in an opinion which is given after a thing is well known.

Ib. *Quid nos opinemur.*] After hearing the witnesses, it will appear what should be decided concerning him.

16. *Ex juratis.*] These witnesses being summoned, had come from Puteoli to give their testimony, they were called *jurati*, because they were sworn before they came into the court.

17. *Præsens mœstitia.*] The friends and relations, who sat on low seats clothed in mean and black garments to excite the compassion of the judges, manifested by their tears how much they esteemed Cœlius.

18. *Municipibus.*] They were called *Municipes*, who, being received into the Roman republic, became partakers of public favours; but afterwards, by an abuse of the term, they were called *Municipes*, who were citizens of the same city, "his own townsmen."

20. *Puteolani.*] Puteoli was a city of Campania; it took its name from the wells of warm water, which were in it, *hod. Pouzzola.*

21. *In amplissimum ordinem.*] The *municipia* were commonly corporations and enfranchised places, which were allowed the use of their own laws and constitutions, and at the same time honoured with the privilege of Roman citizens. They had a little senate which they called *Curia*, and the senators were called *decuriones*. It was into this order Cœlius is here said to have been enrolled.

23. *Lectissimos viros.*] The allies of the Romans used to send delegates to Rome to bear testimony in behalf of the accused, who had conducted themselves in a lauda-

firmissima sunt, si nitantur judicio suorum; neque enim vobis satis [a] commendata hujus ætas esse posset, si non modò parenti tali viro, verùm etiam municipio tam illustri ac tam gravi displiceret. Equidem, ut ad me revertar, ab his fontibus profluxi ad hominum famam: et meus hic forensis labor vitæque ratio dimanavit ad existimationem hominum paulo latiùs, commendatione ac judicio meorum. Nam, quod objectum est de pudicitia, quodque omnium accusatorum non criminibus, sed vocibus maledictisque celebratum est, id nunquam tam acerbè feret M. Cœlius, ut [b] eum pœniteat non deformen esse natum; sunt enim ista maledicta pervulgata in omnes, quorum in adolescentia forma et species fuit liberalis. Sed aliud est maledicere, aliud accusare; accusatio crimen desiderat, rem ut definiat, hominem ut notet, argumento probet, teste confirmet; maledictio autem nihil habet propositi, præter contumeliam: quæ si petulantius jactatur, convicium; si facetius, urbanitas nominatur. Quam quidem partem accusationis admiratus sum, et molestè tuli potissimùm esse Atratino datam; neque enim decebat, neque ætas illa postulabat: neque id quod animadvertere poteratis, pudor patiebatur optimi adolescentis, in tali illum oratione versari. Vellem aliquis ex vobis robustioribus hunc maledicendi locum suscepisset: aliquanto liberius, et fortius, et magis more nostro refutaremus istam maledicendi licentiam. Tecum, Atratine, agam leviùs, quòd et pudor tuus [c] moderatur orationi meæ: et meum erga te, parentemque tuum beneficium tueri debeo. Illud tamen te esse admonitum volo: primùm qualis es, talem te esse existimes: ut quantum à rerum turpitudine abes, tantum te à verborum libertate sejungas: deinde ut ea in alterum ne dicas, quæ cum tibi falsò responsa sint, erubescas; quis est enim, cui via ista non pateat? qui isti ætati [atque etiam dignitati] non possit, quam velit petulanter, etiam si sine ulla suspicione, at non sine argumento maledicere? Sed [d] istarum partium culpa est eorum qui te agere volue-

a *placere.* b *ille doleat.* c *reprimit orationem.* d *istius defensionis.*

ble manner in the province, or to intercede for them in the name of whole *municipium.*

Ib. *Nostri ordinis.*] They had also sent Roman senators, who, though they dwelt in Rome, yet when in the free towns where they were born, might be sent as ambassadors by a decree of the *Decuriones.*

26. *Nitantur judicio suorum.*] Some read *nitatur*, making it a word of defence, so that this is the sense, the foundation of this defence, is most secure if it depends upon the opinion of Cœlius' own townsmen.

29. *Ab his fontibus.*] Cicero proves it by his own example, that he had become illustrious among men by the commendation of his countrymen.

33. *Vocibus maledictisque.*] *Convicia* and *voces* often mean the same thing. Ulpianus thinks that any thing may be called *convicium*, as if *convocium*, a collection of voices or sounds. He here excuses Cœlius from the charge of unchasteness.

37. *Rem ut definiat.*] He who accused should produce some certain crime, such as theft, sacrilege, or murder, which can be punished by the law of the courts.

44. *In tali oratione versari.*] A young man like Atratinus, should not be conversant in that kind of language which is applied, when speaking of unchasteness.

Ib. *Ex vobis robustioribus.*] By *robustiores*, he means Herennius and Balbus, and others, who were farther advanced in years than Atratinus.

48. *Beneficium tueri.*] He says this, because on a certain occasion, he had defended Pola in an accusation of bribery.

49. *Qualis es, talem te esse existimes.*] He advises him, that he would do and say nothing unworthy of his virtue, form, and age, and when in this friendly manner he admonished him, he also modestly blames him.

runt: laus pudoris tui, quòd ea te invitum dicere videbamus: ingenii, quòd ornate politeque dixisti. Verùm ad [a] istam omnem orationem brevis est defensio; nam quoad ætas M. Cœlii dare potuit isti suspicioni locum, fuit primùm ipsius pudore, deinde etiam patris diligentiâ, disciplinâque munita: qui ut huic virilem togam dedit, nihil dicam hoc loco de me: tantum sit, quantum vos existimatis: hoc dicam hunc à patre continuò ad me esse deductum. nemo hunc M. Cœlium in illo ætatis flore vidit, nisi aut cum patre, aut mecum, aut in M. Crassi castissimâ domo, cùm artibus honestissimis erudiretur.

III. Nam quod Catilinæ familiaritas objecta Cœlio est, longe ab illa suspicione abhorrere debet; hoc enim adolescente, scitis consulatum mecum petîsse Catilinam: ad quem si accessit, aut si à me discessit unquam, quamquam multi boni adolescentes illi homini nequam atque improbo studuerunt, tum existimetur Cœlius Catilinæ nimium familiaris fuisse. At enim postea scimus et vidimus esse hunc in illius amicis. Quis negat? sed ego illud tempus ætatis, quod ipsum sua sponte infirmum, aliorum libidine infestum est, id hoc loco defendo; fuit assiduus mecum, Prætore me: non noverat Catilinam: Africam tum Prætor ille obtinebat: secutus est annus: causam de pecuniis repetundis Catilina dixit: mecum erat hic: illi ne advocatus quidem venit unquam; deinceps fuit annus, quo ego consulatum petivi: petebat Catilina mecum; nunquam ad illum accessit, à me nunquam recessit. Tot igitur annos versatus in foro sine suspicione, sine infamiâ, studuit Catilinæ iterum petenti Quem ergo ad finem putas custodiendam illam ætatem fuisse? Nobis quidem olim annus erat unus, ad cohibendum brachium togâ, constitutus, et ut exercitatione ludoque campestri tunicati uteremur: eademque erat, si statim mereri stipendia cœperamus,

a *istas omnes objectiones.*

60. *Virilem togam.*] The *prætexta* and *bulla* being laid aside, the Romans assumed the manly gown at the age of seventeen, as we see in Suetonius.

62. *Ad me esse deductum.*] Of all people, the Romans were the most exact and careful in the education of their children. When young gentlemen had finished the course of their puerile studies, it was the custom to change the habit of the body to what they called the manly gown: and on this occasion they were introduced into the forum with much solemnity, attended by all the friends and dependants of the family; and, after divine rites performed in the capitol, were committed to the special care of some eminent senator, distinguished for his eloquence or knowledge of the laws; to be instructed by him in the conduct of civil affairs, and to form themselves, by his example, for useful members and magistrates of the republic. Thus Cœlius was placed under the care of Cicero; who had himself, as we are told in his piece *De amicitia*, been placed under that of Scævola, the principal; lawyer as well as statesman, of that age.

9. *Africam Prætor obtinebat.*] Pedianus, in his oration on the white toga, thus speaks of him: Cataline, after his prætorship, obtained Africa; which he so grievously oppressed, that the Africans who were in the Senate, during his absence complained and said many hard things concerning him in the Senate.

10. *Causam de pecuniis repetundis dixit.*] Therefore, when Cataline had returned from Africa in the consulship of Torquatus and Cotta, he was accused of extortion by Pub. Clodius and defended by Cicero; to whom, after this, Clodius became inimical, as Fanestella says.

11. *Ne advocatus.*] By *advocatus* is here meant one who attended his friend at his trial. For it was usual both in public and private trials, for the friends and acquaintances of the accused to attend him and solicit in his behalf.

14. *Studuit Catilinæ iterum petenti.*] When Cataline sued for the consulship a second time, his competitors were Silanus and Murena. But being again rejected, he, through anger, began to plot against the republic.

16. *Ad cohibendum brachium.*] Of this, Seneca, *lib. declam.* 5. thus speaks:

[a] castrensis ratio ac militaris; quâ in ætate, nisi qui se ipse sua gravitate, et castimonia, et nùm disciplinâ domesticâ, tum etim [b] naturali quodam bono defenderat; quoquo modo à suis custoditus esset, tamen infamiam veram effugere non poterat. Sed qui prima illa initia ætatis integra atque inviolota [c] præstitisset; de ejus fama ac pudicitia, cum is jam se [d] corroboravisset, ac vir inter viros esset, nemo loquebatur. Studuit Catilinæ, cum jam aliquot annos esset in foro Cœlius, et multi hoc idem ex omni ordine atque ex omni ætate fecerunt; habuit enim ille, sicuti meminisse vos arbitror, permulta maximarum non [e] expressa signa, sed [f] adumbrata virtutum; utebatur hominibus improbis multis, et quidem optimis se viris deditum esse simulabat; erant apud illum illecebræ libidinum multæ: erant etiam industriæ quidem stimuli ac laboris; flagrabant vitia libidinis apud illum: vigebant etiam studia rei militaris neque ego unquam fuisse tale monstrum in terris ullum puto, tam ex contrariis diversisque inter se pugnantibus naturæ studiis, cupiditatibusque conflatum. Quis clarioribus viris quodam tempore juncundior? quis turpioribus conjunctior? quis civis [g] meliorum partium aliquando? quis [h] tetrior hostis huic civitati? quis in voluptatibus inquinatior? quis in laboribus patientior? quis in rapacitate avarior? quis in largitione effusior? Illa verò, Judices, in illo homine mirabilia fuerunt, comprehendere multos amicitiâ, tueri obsequio, cum omnibus communicare quod habebat, [i] servire temporibus suorum omnium, pecuniâ gratiâ, labore corporis, scelere etiam, si opus esset, et audaciâ: [k] versare suam naturam; et regere ad tempus, atque huc et illuc torquere et flectere: cum tristibus severè, cum remissis jucundè, cum senibus graviter, cum juventute comiter, cum facinorosis audacter, cum libidinosis luxuriosè vivere. Hâc ille tam variâ multiplicique naturâ, cùm omnes omnibus ex terris homines improbos audacesque collegerat, tum etiam multos fortes viros et bonos, specie quâdam virtutis assimulatæ, tenebat; neque unquam ex illo delendi hujus imperii tam consceleratus impetus exstitisset, nisi tot vitiorum tanta immanitas quibusdam facilitatis et patientiæ radicibus niteretur. Quare ista conditio, Judices, respuatur: nec Catilinæ familiaritatis crimen hæreat; est enim commune cum multis, cum quibusdam etiam bonis. Me ipsum, me, inquam, quondam penè ille decepit: cum et civis mihi bonus, et optimi cujus-

a *disciplina militaris.* b *probitate naturæ.* c *servasset.* d *grandior ætas esset.* e *declarata.* f *ficta.* g *qui plures bonos habuit fautores?* h *pejor.* i *subvenire, periculis omnium.* k *mutare.*

Among our fathers, they took the omens concerning forensic dress, and thought it unlawful to trust the right arm without the gown; for in it there was a certain part which projected out on the right side called the bosom, which was thrown over the left shoulder, that it might cover it.

17. *Ludoque campestri.*] The young men were prepared for war by military exercises in the campus Martius; but chiefly by running, wrestling, leaping, darting, riding, dancing, &c.

Ib. *Funicati.*] When the young men exercised themselves in the campus, they always used a tunic for the sake of modesty. The Roman tunic was a short vest without sleeves, and more convenient for men: they wore it under a long garment.

25. *Studuit Catilinæ.*] He favoured Cataline when he sued for the consulship the second time

27. *Habuit enim ille.*] Cicero, in many parts of his writings, gives us a just character of Cataline; but in none a more lively and striking picture than in this passage.

que cupidus, et firmus amicus ac fidelis videretur; cujus ego facinora oculis prius, quàm opinione, manibus ante, quàm suspicione, deprehendi; cujus in magnis catervis amicorum si fuit etiam Cœlius, magis est, ut ipse molestè ferat errâsse se, sicuti nonnunquam in eodem homine me quoque erroris mei pœnitet, quàm ut istius amicitiæ crimen reformidet. Itaque à maledictis pudicitiæ ad conjurationis invidiam oratio est vestra delapsa; posuistis enim, atque id tamen titubanter et strictim, conjurationis hunc, propter amicitiam Catilinæ, participem fuisse: in quo non modò crimen non hærebat, sed vix diserti adolescentis cohærebat oratio. Qui enim tantus furor in Cœlio? quod tantum aut in moribus naturaque vulnus, aut in re atque fortuna? ubi denique est in ista suspicione Cœlii nomen auditum? Nimium multa de re minimè dubiâ loquor: hoc tamen dico, non modò si socius conjurationis, sed nisi inimicissimus istius sceleris fuisset, nunquam conjurationis accusatione adolescentiam suam potissimùm commendare voluisset: quod, haud scio, an de ambitu, et de criminibus istius sodalium ac sequestrium, quoniam huc incidi, similiter respondendum putem; nunquam enim tam Cœlius amèns fuisset, ut si se isto infinito ambitu commaculâsset, ambitûs alterum accusaret: neque ejus facti in altero suspicionem quæreret, cujus ipse sibi perpetuam licentiam optaret: nec, si sibi semel periculum ambitûs subeundum putaret, ipse alterum iterum ambitûs crimine arcesseret; quod quamquam nec sapienter, et me invito facit, tamen est ejusmodi cupiditatis, ut, magis insectari alterius innocentiam, quàm de se timidè cogitare videatur. Nam quod æs alienum objectum est, sumptus reprehensi, tabulæ flagitatæ: videte quam pauca respondeam. Tabulas, qui in patris potestate est, nullas conficit: Versuram nunquam omnino fecit ullam. Sumptus unius generis objectus est, habitationis: triginta millibus

56. *Oculis prius, quàm opinione.*] The crimes of Cataline were open to their eyes before they could believe him guilty; Cicero had heard of the conspiracy, by means of Fulvia, before the letters of the conspirators were taken at the Milvian bridge.

57. *Si fuit etiam Cœlius,* &c.] If Cœlius was one among so many friends of Cataline, he might far more properly complain that he had been thus deceived, than fear lest the friendship of Cataline should be turned to his injury.

71. *Sequestrium.*] According to Budæus, these were either persons who were employed to corrupt the tribes, or who interposed themselves as umpires to procure the favour of the people for a candidate.

76. *Arcesseret.*] It has already been remarked, that after L. Atratinus had been once acquitted of the charge of bribery, he was accused a second time by Cœlius.

Ib. *Quod quamquam.*] To avoid giving offence to the judges, to whom perhaps Pola was dear, he says that he had been undeservedly accused.

79. *Sumptus reprehensi.*] Valerius asserts, that among the Romans they who were extravagant or ungrateful, or who had contracted debts, were severely punished.

Ib. *Tabulæ flagitatæ.*] It was customary among the Romans, for the father of a family to write down in a small book, prepared for the sake of memory, whatever they received and expended on each day; these they called *adversaria;* and when they had leisure they transcribed them accurately and in order into other books. They called these the books of receipts and expenditures.

80. *Qui in patris potestate est.*] The son did not manage the books of the family, because he had nothing but his own peculiar possession: however, it is plain that sons and servants, did keep accounts, as appears from the title of the *Digest de Pecul.*

81. *Versuram nunquam.*] *Versuram facere* signifies, 1. A change of creditor; that is, when a man borrows money to pay a debt. 2. To contract a debt, as in the present instance. 3. To pay a debt with another person's money. 4. To borrow money at a small interest, and loan it out at a great interest.

82. *Triginta millibus eum habitare.*] It was objected that his house had cost thirty

dixistis eum habitare: nunc demum intelligo, P. Clodii insulam esse venalem, cujus hic in ædiculis habitet, decem, ut opinor, millibus; vos autem, dum illi placere vultis, ad tempus ei mendacium vestrum accommodavistis.

IV. Reprehendistis, à patre quod semigrârit: quod quidem jam in hac ætate minimè reprehendendum est; qui, cùm et [a] ex reipub. causa esset, mihi quidem molestam, sibi tamen gloriosam victoriam consecutus, et per ætatem magistratus petere posset, non modò permittente patre, sed etiam suadente, ab eo semigravit: et, cum domus patris á foro longe abesset, quo facilius, et nostras [b] ubire domos, et ipse à suis coli posset, conduxit in Palatio, non magno, domum. Quo loco possum dicere id, quod vir clarissimus M. Crassus, cum de adventu regis Ptolemæi quereretur, paullo ante dixit, *Utinam ne in nemore Pelio*—, Ac longius quidem mihi contexere hoc carmen liceret: *Nam nunquam hera errans* hanc molestiam nobis exhiberet, *Medea animo ægra, amore sævo saucia.* Sic enim, Judices, reperietis (quod, cum ad id loci venero, ostendam) hanc Palatinam Medeam, migrationemque huic adolescenti causam sive malorum omnium, sive potius sermonum fuisse. Quamobrem illa, quæ ex accusatorum oratione præ-

a *propter Rempub.* b *adire.*

thousand *sesterces*, equal to three thousand Gallic pounds.

83. *Clodii insulam.*] A house is said to be insulated, when it is not joined to the neighbouring ones by a common wall, but is surrounded on all sides either by public or private streets. The metaphor is taken from islands. *Pliny*, *lib.* 36. *cap.* 15. says that P. Clodius had a house which had cost one million four hundred and eighty thousand *sestertii.*

84. *Decem millibus.*] Equal to a thousand Gallic pounds.

1. *A patre semigrârit.*] Young men dwelt with their parents, from whom they could not depart without disgrace.

3. *Victoriam consecutus.*] Cœlius accused Antony of being accessary to Cataline's conspiracy, and had him sent into exile: this Cicero took very hard, because he had defended him, and he was his colleague in the consulship.

4. *Per ætatem Magistratus petere.*] L. Vellius, tribune of the people in the consulship of L. Manlius and Q. Fulvius, passed a law that no man should be a quæstor before the age of twenty-seven years; that no one should be tribune before thirty; ædile before 37; prætor before forty; and that no one should be consul before forty-three. That which is here said concerning the quæstor agreed with what Polybius says, *lib.* 6. that no one could be a magistrate until he had served ten campaigns; but seventeen was the age at which they entered the army.

8. *M. Crassus.*] M. Crassus spoke first in defence of Cœlius, and when speaking he wished that Pompey had never come to Rome: having quoted some verses from the Medea of Ennius, in which the maid laments that the ship Argo had ever been built, in which Jason being brought to Colchis Medea fell in love with him, he allegorically accommodates them to Ptolemy. Cicero also accommodates these verses to Cœlius and Claudius, grieving that Cœlius had ever come into the palace where Clodia dwelt, because it was the beginning of evils to her.

Ib. *Regis Ptolemæi.*] Ptolemy, king of Egypt, being driven out of his kingdom, went to Rome to beg help and protection against his rebellious subjects; who sent deputies after him, to plead their cause before the Senate, and to explain the reasons of their expelling him; most of whom he contrived to have assassinated on the road before they reached the city. But it was objected to Cœlius that he had beaten these deputies at Puteoli, which part of the accusation, when Crassus who had defended Cœlius before Cicero was refuting, he took occasion to introduce the following verse of Ennius—*Utinam ne in nemore Pelio, &c.* Where, as we said before, the poet mentioned the remote cause of the passion, which ruined Medea; for it was of trees from Mount Pelion in Thessaly that the ship Argo was built, in which Jason sailed.

11. *Hera errans.*] Clodia, being offended, could not affect Cœlius with this calumny.

13. *Hanc Palatinam Medeam.*] Cicero here means Clodia, who lived upon the

muniri jam, et fingi intelligebam, fretus vestrâ prudentiâ, Judices, non pertimesco. Aiebant enim fore testem Senatorem, qui se Pontificiis comitiis [a] pulsatum à Cœlio diceret; à quo quæram si prodierit, primùm cur statim nihil egerit: deinde, si id queri, quàm agere maluerit, cur productus à vobis potius, quàm ipse per se: cur tanto post potius, quàm continuò, queri maluerit: si mihi ad hæc acute, arguteque responderet; tum quæram denique, ex quo iste fonte Senator emanet; nam si ipse orietur et nascetur ex sese, fortasse ut soleo, commovebor; sin autem est rivulus arcessitus et ductus ab ipso capite accusationis vestræ, lætabor, cùm tanta gratia tantisque opibus accusatio vestra nitatur, unum Senatorem solum esse, qui vobis gratificari vellet, inventum. Nec tamen illud genus alterum nocturnorum testium pertimesco; est enim dictum ab illis, fore qui dicerent, uxores suas à cœna redeuntes attrectatas esse à Cœlio. Graves erunt homines, qui hoc jurati dicere audebunt: cum sit his confitendum nunquam se, ne congressu quidem et constituto, cœpisse de tantis injuriis experiri. Sed totum genus oppugnationis hujus, Judices, et jam [b] prospicitis animis, et, cùm inferetur, propulsare debebitis; non enim ab iisdem accusatur M. Cœlius, à quibus oppugnatur; palam in eum tela jaciuntur, clam subministrantur. Neque id ego dico, ut invidiosum sit in eos, quibus gloriosum hoc etiam esse debet: funguntur officio; defendunt suos; faciunt quod viri fortissimi solent; læsi dolent, irati efferuntur, pugnant lacessiti: sed vestræ sapientiæ tamen est, Judices, non, si causa justa est viris fortibus oppugnandi M. Cœlium, ideo vobis quoque vos causam putare esse justam, alieno dolori potius, quàm vestræ fidei, consulendi. Quæ sit multitudo in foro, quæ genera

a *verberatum.* b *intelligitis.*

Palatine hill. He humorously calls her Media, because Atratinus, as we read in Fortunatianus, called Cœlius, the beautiful Jason.

17. *Pontificiis comitiis.*] These were the elections at which the priests were chosen. Cn. Domitius Ænobarbus, tribune of the people, passed a law in the consulship of Cn. Marius and L. Aurelius, in the year of the city 650, that the college of priests should not hereafter elect whoever they pleased, as they had hitherto done; but that this should be the privilege of the people. But as the people could not, on account of religion, commit to any one's charge the priestly office, he asked that the less part of the people should be called, that is, seventeen tribes; and they should select persons out of whom the college of priests should make their choice.

22. *Ex quo iste fonte emanet.*] Cicero asks whether that senator had come of his own accord, or had been induced by the entreaties of the opposite party, to give testimony against Cœlius.

24. *Ductus ab ipso capite.*] But if that senator was corrupted by Clodia, who was the *caput accusationes*, so that he undertook this accusation, and bore testimony against Cœlius; there was this thing to comfort Cicero, that he was the only person who could be found to subserve the interest of Clodia.

27. *Nocturnorum testium.*] He calls these witnesses by this name on account of the obscurity of their testimony.

31. *Congressu et constituto.*] Before a suit was commenced, it was usual for the parties to endeavour to settle the controversy by means of some common friend or friends. But *experiri*, or *experiri jus*, is to be at law; and the phrase is taken from this, that they who sue for any thing, suppose that they have a right so to do, and explain it to the judges for the purpose of having it tried by law.

34. *Palam tela jaciuntur.*] He says that Herennius, Atratinus, and Balbus, had openly professed themselves the accusers. The metaphor is taken from soldiers, some of whom throw the darts and others supply them.

38. *Pugnant lacessiti.*] This probably refers to Atratinus, who was glad to have an opportunity of accusing Cœlius, in revenge for his having impeached Atratinus the father.

41. *Quam vestræ fidei.*] By *fidei* he in-

quæ studia, quæ varietas hominum, videtis; ex hac copia, quam multos esse arbitramini, qui hominibus potentibus, gratiosis, disertis, cùm aliquid eos velle arbitrentur, ultro se offere soleant, operam navare, testimonium polliceri? Hoc ex genere si qui se in hoc judicium forte projecerint, [a] excluditote eorum cupiditatem, Judices, sapientià vestrà: ut eodem tempore et hujus saluti, et religioni vestræ, et contra periculosissimas hominum potentias conditioni omnium civium providisse videamini. Equidem vos abducam à testibus; neque hujus judicii veritatem, quæ mutari nullo modo potest, in voluntate testium collocari sinam; quæ facillimè effingi, nullo negótio flecti, ac detorqueri potest: argumentis agemus; signis omni luce clarioribus crimina refellemus; res cum re, causa cum causa, ratio cum ratione pugnabit.

V. Itaque illam partem causæ facilè patior graviter et ornatè à M. Crasso peroratam, de seditionibus Neapolitanis, de Alexandrinorum [b] pulsatione Puteolana, de bonis Pallæ; vellem dictum esset ab eodem etiam de Dione: de quo ipso tamen quid est, quod exspectetis, quod is qui fecit, aut non timet, aut etiam fatetur? Etenim reus, qui dictus est et adjutor fuisse et conscius, P. Ascitius, is judicio est liberatus. Quod igitur est hujusmodi crimen, ut qui commisit, non neget: qui negavit, absolutus sit: id hic pertimescat, qui non modò à facto, verum etiam à conscientiæ suspicione abfuit? et, si Ascitio causa plus profuit, quàm nocuit invidia, huic oberit tuum maledictum, qui istius facti non modò suspicione, sed ne infamià quidem est [c] adspersus? At prævaricatione est Ascitius liberatus. Perfacile est isti loco respondere, mihi præsertim, à quo illa causa defensa est, sed Cœlius optimam causam Ascitii esse arbitratur: cujusmodi autem sit, à sua putat esse sejunctam: neque solum Cœlius, sed etiam adolescentes humanissimi et doctissimi, rectissimis studiis atque optimis artibus præditi, Titus Caiusque Coponii: qui ex omnibus maxime Dionis mortem doluerunt: qui cum doctrinæ studio atque humanitatis, tum etiam hospitio Dionis [d] tenebantur; habitabat is apud L. Lucceium, ut audìstis: fuerat ei cognitus Alexandriæ: quid aut hic, aut summo splendore præditus fratur ejus, de M. Cœlio existimet, ex ipsis, si producti erunt, audietis. Ergo hæc removeantur, ut aliquando, in quibus causa nititur, ad ea veniamus. Animadverti enim, judices, audiri à vobis meum familiarem L. Herennium perattentè; in quo etsi magna ex parte ingenio ejus, et dicendi genere quodam

a *rejicite.* b *cade.* c *notatus.* d *delectabuntur.*

tends integrity and innocence, which we commonly call conscience; for, as the judges had sworn, they should do nothing contrary to the sanctity of their conscience.

43. *Gratiosis.*] Popular persons.

45. *Testimonium polliceri.*] Servius says, "that *polliceri* is used when we promise a thing of our own accord, *promitteor* when we are asked:" here he endeavours to excite hatred against his adversaries on account of their power.

2. *De seditionibus Neapolitanis.*] There were certain seditions at Naples, which town was also called Parthenope: though Cœlius was not present, yet he is accused by Clodius as being the exciter of these seditions.

4. *De Dione.*] This Dio was an Alexandrian delegate who was slain by Pub. Ascetius; and, notwithstanding that he was acquitted, yet that crime was not to be charged to Cœlius.

22. *Si producti erunt.*] If all those who were the friends of Dio were called to give testimony, they would remove all suspicion of this crime from Cœlius.

tenebamini, tamen nonnunquam verebar ne illa subtiliter ad criminandum inducta oratio ad animos vestros sensim ac leniter accederet; dixit enim multa de luxuria, multa de libidine, multa de vitiis juventutis, multa de moribus: et, qui in reliqua vita mitis esset, et in hac suavitate humanitatis, quâ prope jam delectantur homines, versari perjucunde soleret, fuit in hac causa pertristis quidam patruus, censor, magister; objurgavit M. Cœlium, sicut neminem unquam parens: multa de incontinentia, intemperantiaque disseruit. Quid quæritis, Judices? ignoscebam vobis attente audientibus, propterea quod egomet tam triste illud et tam asperum genus orationis horrebam. Ac prima pars fuit illa, quæ me minus movebat, fuisse meo necessario Bestiæ Cœlium familiarem, cœnâsse apud eum, ventitâsse domum, studuisse præturæ. Non me hæc movent, quæ perspicue falsa sunt; etenim eos unà cœnâsse dicit, qui absunt, aut quibus necesse est idem dicere. Neque vero illud me commovet, quod sibi in Lupercis sodalem esse Cœlium dixit. Fera quædam sodalitas, et plane pastoritia atque agrestis [a] germanorum Lupercorum: quorum coitio illa sylvestris ante est instituta, quàm humanitas, atque leges; siquidem non modò nomina deferunt inter se sodales, sed etiam commemorant sodalitatem in accusando, ut ne, si quis id forte nesciat, timere videatur. Sed hæc omittam: ad illa, quæ me magis moverunt, respondebo. Deliciarum objurgatio fuit longa, et ea lenior: plusque disputationis habuit, quàm atrocitatis: quo etiam audita est attentius. Nam P. Clodius amicus meus, cùm se gravissime vehementissimeque jactaret, et omnia inflammatus ageret tristissimis verbis, voce maxima: tametsi probabam ejus eloquentiam, tamen non pertimescebam; aliquot enim in causis eum videram frustra litigantem. Tibi autem, Balbe, respondebo, primum precario, si licet, si fas est, defendi à me eum, qui

a *verorum.* b *vitaverit.*

31. *Pertristis quidam patruus.*] *Patruus* here signifies a severe censurer; in which signification it is also taken by Horace. Sat. 3. lib. 2.

——————— *sive ego pravè,*
Seù rectè hoc volui: ne sis patruus mihi.

36 *Necessario Bestiæ.*] This Bestia was accused of bribery, and defended by Cicero: he mentions him in his 7th Epist. to his brother. Q. Cœlius was accused of being familiar with him.

38. *Studuisse Præturæ.*] He was accused of assisting Bestia in his suit for the prætorship, and of frequently visiting his house.

39. *Aut quibus necesse est idem dicere.*] He intends the friends of Clodia, whose opinions would coincide with her own.

40. *In Lepercis.*] The *Lupercalia* were festivals instituted in honour of Pan; whose priests, the *Luperci*, wandered thro' the city, half naked. Val. Maximus pretends that the *Luperci* were no older than the foundation of Rome; but Livy and Plutarch are positive that they were brought out of Greece by Evander. The *Lupercalia* were celebrated on the fifteenth day of Febuary, chiefly in villages with very ridiculous ceremonies.

46. *Ut ne, si quis id forte nesicat, timere videatur.*] It is difficult to ascertain the meaning of this passage, which is differently understood by commentators. The words in some editions, are, *si quis id forte nesciat timere videatur.* Abramus prefers the following reading to all others: *ut ne quis id forte nesciat timere videantur;* and the sense of the passage, according to him, is,—They boast of their being members of the fraternity, whom they accuse; as if they were afraid lest any one should not discover that they belonged to it.

42. *Clodius amicus meus.*] This is irony. Indeed formerly there had been a great degree of friendship between Cicero and Clodius; but from the time that Cicero bore witness against him for violating the sacred rites of the goddess Bona, they were at enmity; which was at its height when he spoke this oration. But Manutius correctly thinks that this was a distinct Clodius from that Pub. Clodius.

53. *Primum precario.*] He now an-

nullum convivium [a] renuerit, qui unguenta sumpserit, qui Baïas viderit. Equidem multos et vidi in hac civitate, et audivi, non modò qui primoribus labris gustâssent genus hoc vitæ, et extremis, ut dicitur, digitis attigissent; sed qui totam adolescentiam voluptatibus dedidissent, emersisse aliquando, et se ad frugem bonam, ut dicitur, recepisse, gravesque homines atque illustres fuisse. Datur enim concessu omnium huic aliquis ludus ætati, et ipsa natura profundit adolescentiæ cupiditates: quæ si ita erumpunt, ut nullius vitam [b] labefactent, nullius domum evertant, faciles et tolerabiles haberi solent. Sed tu mihi videbare ex communi infamia, juventutis aliquam invidam Cœlio velle [c] conflare; itaque omne illud silentium, quod est orationi tributum tuæ, fuit ob eam causam, quòd uno reo proposito, de multorum vitiis cogitabamus. Facile est accusare luxuriem; dies jam me deficiet, si, quæ dici in eam sententiam possunt, coner expromere; de corruptelis, de adulteriis, de protervitate, de sumptibus, immensa oratio est; ut tibi reum neminem, sed vitia proponas; res tamen ipsa et copiose, et graviter accusari potest. Sed vestræ sapientiæ est, Judices, non abduci ab reo: nec quos aculeos habeat severitas gravitasque vestra, cûm eos accusator [d] erexerit in rem, in vitia, in mores, in tempora, emittere in hominem, et in reum: cùm is non suo crimine, sed multorum vitio sit in quoddam odium injustum vocatus. Itaque severitati tuæ, ut oportet, ita respondere non audeo: erat enim meum deprecari [e] vacationem adolescentiæ, veniamque petere: non, inquam, audeo: perfugiis non utor ætatis: concessa omnibus jura dimitto: tantùm peto, ut, si qua est invidia communis hoc tempore æris alieni, petulantiæ, libidinum juventutis, quas video esse magnas, ne huic aliena peccata, ne ætatis ac temporum vitia noceant. Atque ego idem, qui hæc postulo, quin criminibus, quæ in hunc propriè conferuntur, diligentissimè respondeam, non recuso.

SECUNDA PARS.
CONFUTATIONIS.

De auro et veneno.

Ostendit in hac parte Cicero, totum crimen veneni et auri confictum esse à Clodia, muliere impudica, quam sprevit Cœlius.

VI. Sunt autem duo crimina, auri, et veneni: in quibus una, atque eadem persona versatur. Aurum sumptum à Clodia, venenum quæsitum, quod Clodiæ daretur, dicitur; omnia sunt alia, non crimina, sed meledicta jurgii petulantis magis, quàm publicæ quæstionis; adulter, impudicus, sequester, convicium est non aeeusatio; nullum est

a *vitaveris.* b *contaminent.* c *parare.* d *defixerit.* e *immunitatem.*

swers Balbus, another accuses, and says that with his permission he would answer him.

54. *Baïas viderit.*] Baiæ was in Campania, between Puteoli and Misenum. It was frequented at certain seasons of the year by people of fashion from all parts of Italy, being famous for springs of warm water where they used to bathe.

64. *Omne illud silentim.*] Balbus was indeed heard attentively; not because he accused Cœlius, but because he described the corrupt manners of the youth generally. But in this way he made nothing against Cœlius, as he did not prove him guilty of these vices.

68. *De protervitate.*] Budæus, explaining this place, says, that he is called *protervus* who has no command over his passions.

enim fundamentum horum criminum, nulla sedes; voces sunt contumeliosæ, temerè ab irato accusatore, nullo auctore, emissæ. Horum duorum criminum video fontem, video auctorem, video certum nomen et caput; auro opus fuit: sumpsit à Clodia, sumpsit sine teste, habuit quamdiu voluit; maximum video signum cujusdam egregiæ familiaritatis; necare eandem voluit, quæsivit venenum, solicitavit quos potuit paravit, locum constituit, attulit; magnum rursus odium video cum crudelissimo dessidio exstitisse. Res est omnis in hac causa nobis, Judices, cum Clodia, muliere non solùm nobili, sed etiam notâ, de qua ego nihil dicam, nisi depellendi criminis causâ. Sed intelligis pro tua præstanti prudentia, Cn. Domiti, cum hac sola rem esse nobis: quæ si se aurum Cœlio commodâsse non dicit, si venenum ab hoc sibi paratum esse non arguit; petulanter facimus, si matrem-familias secus, quàm matronarum sanctitas postulat, nominamus; sin istâ muliere remotâ, nec crimen ullum, nec opes ad oppugnandum Cœlium illis relinquentur, quid est aliud quod nos patroni facere debeamus nisi ut eos, qui insectantur, repellamus? quod quidem facerem vehementiùs, nisi intercederent mihi inimicitiæ cum istius mulieris viro: fratem volui dicere: semper hîc erro; nunc agam modicè, ne longiùs progrediar, quàm me mea fides, et causa ipsa coget; neque enim muliebres unquam [a] inimicitias mihi gerendas putavi, præsertim cum eâ, quam omnes semper amicam omnium potius, quàm cujusquam inimicam putaverunt. Sed tamen ex ipsâ quæram prius, utrum me secum severè, et graviter, et priscè agere malit; an remissè, ac leniter, et urbanè; si illo austero more ac modo: aliquis mihi ab inferis [b] excitandus est, ex barbatis illis, non hac barbula, quâ ista delectatur; sed illâ horridâ, quam in statuis antiquis et imaginibus videmus: qui objurget mulierem, et pro me loquatur, ne ista mihi fortè succenseat. Existat igitur ex hac ipsâ familiâ aliquis, ac potissimùm Cæcus ille; minimum enim dolorem capiet, qui istam non

a *habendas controversias.* b *revocandus.*

8. *Certum nomen.*] By these words he intends a crime, concerning which a particular law of the courts had been passed, which, on that account, was said to have a *certum nomen;* but that concerning which there was no particular law was called *incertum, Vide Cic. lib.* 3. *de inventione.*

14. *Sed etiam notâ.*] Famous on account of her sensuality.

15. *Depellendi criminis causâ.*] For the purpose of repelling it from Cœlius, who had been falsely accused.

17. *Aurum Cœlio commodâsse.*] It is probable that that gold was not coined, but that it was solid and wrought gold, probably some ornament, a statue, or something of the kind, which is lent to a friend, and afterwards returned.

18. *Matrem-familias.*] In the *Pandectæ, matrem-familias* and *matrona* are taken promiscuously for a lady of chaste reputation, whether single or married. Festus thinks, that they were called matrons who had a right to wear a long gown; but it appears from this and other places of Cicero, that it was taken for either.

23. *Istius mulieris viro.*] Clodius, an abandoned debauchee, is here meant; who, according to Plutarch, was guilty of incest, with each of his three sisters.

31. *Hac barbulâ.*] He puns Clodia, who was held principally by a lover with a little beard.

33. *Ne ista.*] Clodia.

35. *Cæcus ille.*] Nothing could set Clodia's infamy in a clearer or stronger point of view, or more powerfully affect the minds of the audience, than the artful manner in which Cicero here contrasts her character with that of her illustrious ancestors. Her family was one of the most considerable in Rome, and the person introduced to expostulate with her, was old Appius Claudius, a famous orator and

videbit; qui profectò si exstiterit, sic aget, et sic loquetur: Mulier, quid tibi cum Cœlio? quid cum homine adolescentulo? quid cum alieno? cur aut tam familiaris huic fuisti, ut aurum commodares; aut tam inimica, ut venenum timeres? non patrem tuum videras? non patruum, non avum, proavum, atavum audieras consules fuisse? non denique modò te Quinti Metelli matrimonium tenuisse sciebas, clarissimi et fortissimi viri, patriæque amantissimi, qui simul ac [a] pedem limine extulerat, omnes propè cives virtute, gloriâ, dignitate superabat? cui cum ex amplissimo genere in familiam clarissimam nupsisses, cur tibi Cœlius tam conjunctus fuit? cognatus? affinis? viri tui familiaris? nihil horum; quid igitur fuit, nisi quædam temeritas ac libido? nonne te, si nostræ imagines viriles non commovebant, ne progenies quidem mea, Q. illa Clodia æmulam domesticæ laudis in gloriâ muliebri esse admonebat? non virgo illa Vestalis Clodia, quæ patrem complexa triumphantem ab inimico tribuno-plebis de curru detrahi passa non est? cur te fraterna vitia potius, quam bona paterna, et avita, et usque à nobis cum in viris, tum etiam in fœminis repetita, moverunt? Ideò-ne ego pacem Pyrrhi diremi, ut tu amorum

a *exiverat de civitate.*

civilian, who lost his sight, in the latter part of his life.

36. *Mulier, quid tibi cum Cælio?*] An elegant *prosopopæia*, in which, in the person of the old man, he reproaches Clodia.

39. *Non patrem tuum videras.*] Appius Clodius Pulcher, the father of Clodia, was consul with Pub. Servilius Isauricus in the year of the city 674. Suetonius, in *Tib. cap.* 1. tells us, that the Clodii had obtained the consulship twenty-eight times, the dictatorship five times, and the censorship seven times, and that they had obtained six triumphs, and two rejoicings.

41. *Q. Metelli.*] Q. Metellus Celer, the husband of Clodia, was consul in the year of the city 693.

44. *Ex amplissimo genere.*] The patricianship had passed from the Clodian family, into the family of the Metelli; being united to Q. Metellus Celer by marriage. Both these families were very exalted, with this difference between them, that the former were patricians, the latter plebeians. The Metelli were of the Cæcilian family, and were thus called from a military term, which signifies a hireling.

47. *Nostræ imagines viriles.*] He intends the images of those who were illustrious in the Clodian family. These images were sometimes brought by wives into the houses of their husbands.

48. *Illa Clodia.*] This Clodia, because she wore an elegant garment, was suspected of incontinence; but that was proven to be false, by the testimony of the goddess Cybele. For when the vessel in which the goddess was imported had struck upon the sands at the mouth of the Tiber, and could not be got off; this Clodia, fastening it to her girdle, brought it to the shore.

49. *Virgo Vestalis.*] This vestal followed her father even into the capitol, triumphing without the command of the people: having ascended his chariot that it might not be lawful for any of the tribunes to forbid or hinder him. Suetonius speaks of this vestal in *Tab. et Val. lib.* 5.

50. *Tribuno-plebis.*] The tribunes had power to hinder any one from triumphing. So in *Livy, lib.* 39. M. Albutius, tribune of the people, opposed the triumph of M. Fulvius.

53. *Pacem Pyrrhi.*] After Italy was conquered by the Romans, they carried on a very severe war against the Tarentines, for four years. The latter sought the aid of king Pyrrhus, who made proposals of peace to the Romans, to which several of the conscript fathers were disposed to assent. But Appius, who had not for some time appeared in public, on account of his age and the loss of his sight, hearing of what passed in the Senate, caused himself to be carried in the arms of his domestics to the Senate house; where, by an animated speech, he so awakened the Roman spirit in the senators, that without farther debate they passed a decree to dismiss the ambassadors, with this answer: "That the Romans would enter into no treaty with king Pyrrhus so long as he continued in Italy; but with all their strength would pursue the war against him, though he should vanquish a thousand Lavinius's.

turpissimorum quotidie fœdera ferires? ideo aquam adduxi, ut eâ tu [a] incestè uterere? ideo viam munivi, ut eam tu alienis viris comitata [b] celebrares? Sed quid ego, Judices, ita gravem personam induxi, ut et verear, ne se idem Appius repentè convertat, et Cœlium incipiat accusâre illâ suâ gravitate censoriâ? Sed videro hoc posteriùs, atque ita, Judices, ut vel severissimis disceptatoribus M. Cœlii vitam me probaturum esse confidam. Tu verò, mulier (jam enim ipse tecum nullâ personâ introductâ loquor) si ea, quæ facis, quæ dicis, quæ [c] insimulas, quæ moliris, quæ arguis, probare cogitas: rationem tantæ familiaritatis, tantæ consetudinis, tantæ conjunctionis reddas, atque exponas necesse est. Accusatores quidem libidines, amores, adulteria, Baiis acta convivia, comessationes, cantus, symphonias, navigia jactant: iidemque significant, nihil se, te invitâ, dicere; quæ tu, quoniam mente nescio quâ [d] effrænatâ atque [e] præcipiti in forum deferre judiciumque voluisti, aut diluas oportet, et falsa esse doceas, aut nihil neque crimini tuo, neque testimonio credendum esse fateare.

VII. Sin autem urbaniùs me agere mavis, sic agam tecum; removebo illum senem durum, ac pene agrestem: ex hisque tuis sumam aliquem, ac potissimùm minimum fratrem tuum, qui est in isto genere urbanissimus, qui te amat plurimùm: qui propter nescio quam, credo, timiditatem, et nocturnos quosdam inanes metus, tecum semper pusio cum majore sorore cubitavit: cum putato tecum loqui: Quid tumultuaris, soror? quid insanis? quid clamore exorsa, verbis parvam rem magnam facis? vicinum adolescentulum adspexisti: candor hujus te et proceritas, vultus oculique [g] perpulerunt: sæpiùs videre voluisti: nonnuquam in iisdem hortis visa nobilis mulier: illum filium-familias patre parco ac tenaci, habere tuis [f] copiis devinctum non potes: calcitrat, respuit, non putat tua dona esse tanti; confer te aliò; habes hortos ad Tiberim: ac diligenter eo loco præparasti, quò omnis juventus natandi causâ venit; hinc licet conditiones quotidie legas: cur huic, qui te spernit, molesta es. Redeo nunc ad te, Cœli, vicissim, ac mihi auctoritatem patriam severitatemque suscipio: sed dubito,

a *impure.* b *frequentares.* c *accusas.* d *immodestâ.*
e *iracunda.* f *accusationi.* g *allexerunt.* i *divitiis.*

54. *Fœdera ferires.*] He alludes to the form of making a covenant, in which a hog was sacrificed.

Ib. *Aquam adduxi.*] This blind Appius introduced the water of the river Anio into the city in the year 441, by a channel of eleven miles in length.

55. *Viam munivi.*] He likewise built the famous Via Appia, which took its name from him. A considerable part of this extraordinary work still remains: and though it has lasted above two thousand years, is, in most places, for several miles together, as entire as when it was first made.

59. *Disceptatoribus.*] He was called *disceptator* by Cicero in his divisions, who was the director of the trial and sentence.

65. *Acta.*] The sea-shore, were luxurious persons were accustomed to have feasts.

66. *Navigia.*] Near Bias the Roman citizens who were given to luxury had lakes in their gardens, in which they swam for the sake of strength and pleasure: they called them Biæ.

2. *Senem Durum.*] Appius Clodius, the censor.

5. *Pusio cum sorore.*] He reproves Clodia of incest. Pusio signifies a small boy, though it is frequently taken for a whore-master; for the ancients used *pusium* and *pusiam* for a boy and girl.

14. *Hinc licet conditiones.*] He advises her to choose some one who might serve her lust, from those young men who daily resort to the gardens near the Tiber for the purpose of swimming.

quem patrem potissimùm summam. Cæcilianum-ne aliquem, vehementem atque drum? *Nunc enim demum mihi animus ardet, nunc meum cor cumulatur irâ:* aut illum, *ô infelix! ô sceleste!* Ferrei sunt isti patres. *Ego-ne quid dicam? ego-ne quid velim? quæ tu omnia tuis fœdis factis, facis ut* [a] *ne quidnam velim.* Vix ferenda diceret talis pater, *Cur te in istam vicinitatem meretriciam contulisti? cur illecebris cognitis non refugisti? cur alienem ullam mulierem nosti? dide ac dissice, per me licebit: si egebis, tibi dolebit: mihi sat est,* [b] *qui ætatis quod reliquum est oblectem meæ.* Huic tristi ac decrepito seni responderet Cœlius, se nullâ cupiditate inductum de viâ decessisse. Quid signi? nulli sumptus, nulla jactûra, nulla versura. At fuit fama. Quotusquisque istam effugere potest in tam maledicâ civitate? vicinum ejus mulieris miraris malè audisse, cujus frater germanus sermones iniquorum effugere non potuit? Leni verò et clementi patri, cujusmodi ille est: *Fores effregit? restituentur: discidit vestem? resarcietur,* Cœlii causa est [c] expeditissima. Quid enim esset, in quo se non facilè defenderet? Nihil jam in istam mulierem dico: sed si esset aliqua dissimilis istius, quæ se omnibus pervulgaret, quæ haberet palam [d] decretum semper aliquem, cujus in hortos, domum, Baias, jure suo libidines omnium [e] commearent: quæ etiam aleret adolescentes et parsimoniam patrum suis sumptibus sustentaret: si vidua liberè, proterva petulanter, dives effusè, libidinosa meretricio more viveret; adulterum ego putarem, si quis hanc paulo liberiùs salutasset? Dicet aliquis, Hæc igitur est tua disciplina? sic tu instituis adolescentes? ob hanc causam tibi hunc puerum parens commendavit, et tradidit, ut in amore et voluptatibus adolescentiam suam collocaret; et hanc tu vitam atque hæc studia defenderes? Ego, si quis, Judices, hoc robore animi, atque hâc indole virtutis ac continentiæ fuit, ut respueret omnes voluptates, omnemque vitæ suæ cursum in labore corporis, atque in animi contentione [f] conficeret: quem non quies, non remissio, non æqualium studia, non ludi, non convivia delectarent: nihil in vitâ expetendum putaret, nisi quod esset cum laude et cum dignitate conjunctum; hunc meâ sententiâ divinis quibusdam bonis instructum atque ornatem puto. Ex hoc genere illos fuisse arbitror Camillos, Fabricios, Curious, omnesque eos, qui hæc ex mini-

a *frustra.* b *quo.* c *optima.* d *certum* sibi. e *congrederentur.* f *contereret.*

17. *Cæcilianum-ne.*] Cæcilius was a comic poet, most of whose characters were of the grave and morose kind.

19. *O infelix! ô sceleste.*] A personification of a hard and rigorous parent upbraiding Cœlius.

Ib. *Ferrei sunt isti partres.*] These are the words of Cicero: he calls them iron-hearted, because they were moved with no sign of benevolence or love.

22. *Vicinitatem.*] Cœlius had removed from the Palatine mount, where Clodia dwelt.

24. *Dide ac dissice.*] Squander and destroy your estate, you may for me.

26. *Decrepito seni.*] Festus says that a decrepid old man is one who has despaired of a long continuation of life, or it is one who, on account of old age, can neither move himself nor do any thing, but in a tremulous manner.

27. *De viâ decessisse.*] A metaphor taken from travellers, by which he declares that he had not departed from the path of virtue; because he had been guilty of no extravagance, had not squandered away his goods, nor borrowed money to pay his debts.

31. *Fores effregit.*] These are the words of an aged father to his son, as they are given by Terence in *Adelph.i*

34. *Sed si esset aliqua.*] Whilst Cicero here affects to introduce another character, he paints that of Clodia in the strongest colours.

51. *Camillos, Fabricios Curios.*] Ca-

mis tanta fecerunt. Verùm hæc genera virtutum non solùm in moribus nostris, sed vix jam in libris reperiuntur: chartæ quoque, quæ illam pristinam severitatem continebant, obsoleverunt: neque solùm apud nos, qui hanc sectam rationemque vitæ, re magis quàm verbis secuti sumus; sed etiam apud Græcos, doctissimos homines; quibus, cum facere non possent, loqui tamen et scribere honestè et magnificè licebat. Alia quædam, mutatis Græciæ temporibus, præcepta exstiterunt. Itaque alii voluptatis causâ omnia sapientes facere dixerunt: neque ab hac orationis turpitudine eruditi homines refugerunt; alii cum voluptate dignitatem conjungendam putaverunt, ut res maximè inter se repugnantes dicendi facultate conjungerent. Illud unum ad laudem cum labore directum iter qui probaverunt, prope jam soli in scholis sunt relicti; multa enim nobis blandimenta natura ipsa genuit, quibus [a] sopita virtus conniveret: et interdum multas vias adolescentiæ [b] lubricas ostendit, quibus illa insistere, aut ingredi sine casu aliquo aut prolapsione vix posset: et multarum rerum jucundissimarum varietatem dedit. quâ non modò hæc ætas, sed etiam jam corroborata caperètur. Quamobrem si quem fortè inveneritis, qui aspernetur oculis pulchritudinem rerum, non odore ullo, non tactu, non sapore capiatur, excludat auribus omnem suavitatem; huic homini ego fortasse et pauci deos propitios, plerique autem iratos putabunt. Ergo hæc deserta [c] via, et inculta, atque [d] interclusa jam frondibus et virgultis relinquatur detur aliquid ætati: sit adolescentia liberior: non omnia voluptatibus denegentur: non semper superet vera illa et directa ratio: vincat aliquando cupiditas voluptasque rationem; dummodo illa in hoc genere præscriptio, moderatioque teneatur: parcat juventus pudicitiæ suæ ne spoliet alienam: ne effundat patrimonium ne fœnore trucidetur, ne incurrat in alterius domum atque famam: ne probrum castis, labem integris, infamiam bonis, inferat: ne quem vi terreat: ne intersit insidiis: scelere careat: postremò, cum paruerit voluptatibus, dederit aliquid temporis ad ludum ætatis, atque ad inanes hasce adolescentiæ cupiditates: revocet se aliquando ad curam rei domesticæ, rei forensis, reipublicæ: ut ea, quæ ratione antea non perspexerat, satietate abjecisse, experiendo contempsisse videatur. At multi et nostrâ, et patrum majorumque memoriâ, Judices summi

a *obruta assentiret.* b *peliculosus.* c *ratio vivendi.* d *impedita.*

millus was a captain of great valour and capacity. He was maliciously accused of having taken to his own use some part of the spoil of the city Veii; and, to avoid the disgrace of a condemnation, banished himself. Not long after, when Rome was burnt by the Gauls, and the capitol invested; this generous Roman, more afflicted at the calamities of his country than at his own banishment, came to her assistance: whilst she was treating about a peace, broke off the treaty; and, so totally vanquished and destroyed the enemy, that not a man was left to carry home the news of their disaster. Fabricius was one of the three ambassadors sent by the Romans to treat with king Pyrrhus about a release of prisoners: he was a man of distinguished virtue, a brave and able warrior, and extremely poor. Curius was remarkable for living in voluntary poverty: he triumphed over the Samnites, and in the distribution of their lands to those Romans who had none of their own, he gave to each man no more than seven acres; and accepted no more himself, though a much larger portion was offered him.

55. *Re magis.*] The Romans made virtue to consist in actions, the Greeks in words.

56. *Doctissimos.*] The Stoic philosophers.

59. *Alii voluptatis.*] The Epicurean philosophers.

60. *Alii cum voluptate.*] Calliphon.

homines, et clarissimi cives fuerunt, quorum cùm adolescentiæ cupiditates [a] deferbuissent, eximiæ virtutes, firmatâ jam ætate, exstiterunt: ex quibus neminem mihi necesse est nominare; vosmet vobiscum recordamini; nolo enim cujusquam fortis atque illustris viri ne minimum quidem erratum cum maximâ laude conjungere; quod si facere vellem, multi à me summi atque ornatissimi viri prædicarentur, quorum partim nimia libertas in adolescentia, partim profusa luxuries, magnitudo æris alieni, sumptus, libidines nominarentur: quæ multis postea virtutibus [b] obtecta, adolescentiæ, qui vellet, excusatione defenderet. At vero in M. Cœlio (dicam enim jam confidentiùs de studiis ejus honestis, quoniam audeo quædam fretus vestrâ spientiâ liberè confiteri) nulla luxuries reperietur, nulli sumptus, nullum æs alienum, nulla conviviorum ac lustrorum libido; quod quidem vitium ventris et gutturis non modò non minuit ætas hominibus, sed etiam auget. Amores autem, et hæ deliciæ quæ vocantur, quæ firmiore animo præditis diutiùs molestæ non solent esse (maturè enim et celeriter deflorescunt) nunquam hunc occupatum impeditumque tenuerunt. Audistis, cùm pro se diceret: audistis antea, cùm accusaret: defendendi hæc causâ, non gloriandi loquor; genus orationis facultatem, copiam sententiarum atque verborum, quæ vestra prudentia est, perspexistis. Atque in eo non solùm ingenium elucere ejus videbatis; quod sæpe etiamsi industriâ non alitur, valet tamen ipsum suis viribus: sed inerat (nisi me propter benevolentiam fortè fallebat) ratio et bonis artibus instituta, et curâ et vigiliis elaborata.

VIII. Atque scitote, judices, eas cupiditates quæ objiciuntur Cœlio, atque hæc studia, de quibus disputo, non facilè in eodem homine esse posse; fieri enim non potest, ut animus libidini deditus, amore, desiderio, cupiditate, sæpe nimiâ copiâ, inopiâ etiam non nunquam impeditus, hoc quicquid est, quod nos facimus in dicendo, non modò agendo, verùm etiam cogitando, possit sustinere.* An vos aliam causam esse ullam putatis, cùm in tantis præmiis eloquentiæ, tantâ voluptate dicendi, tantâ laude, tantâ gloriâ, tanto honore, tam sint pauci, semperque fuerint, qui in hoc labore versentnr? Omittendæ sunt omnes voluptates: relinquenda studia delectationis; ludus, jocus, convivium, sermo etiam penè omnium familiarium deserendus: quæ res in hoc genere homines à labore, studioque dicendi deterret: [c] non quo aut ingenia deficiant, aut doctrina puerilis. An hic, si sese isti vitæ dedisset, consularem hominem admodum adolescens in judicium vocavisset? hic si laborem fugeret, si obstrictus voluptatibus teneretur, in hac acie quotidie versaretur? appeteret inimicitias? in judi-

a *refriguissent.* b *obscurata.* c *non quia,*

90. *Cujusquam fortis.*] Perhaps he intends Catulus and Cæsar, whose y uth had been spent in many vices, but who shone in more advanced life.

2. *Non facilè in eodem homine esse posse.*] What is here advanced must be looked upon, not as the orator's real sentiments, but as something specious, thrown out in order to make the best of his cause. Had it been necessary, Cicero would easily have produced a variety of characters, wherein gallantry and application to study and business were united.

13. *Doctrina puerilis.*] By puerile doctrine he intends either the precepts of rhetoric or grammar itself, which must be learned in childhood, that any one may become an orator.

16. *In hac acie.*] That is trials and forensic causes, the metaphor is taken from the gladiators.

Ib. *Appeteret inimicitias.*] Prosecutors subjected themselves to the enmity of the

cium vocaret? subiret periculum capitis? ipso inspectante populo Romano, tot menses aut de salute, aut de glorià dimicaret? Nihil igitur illa vicinitas redolet? nihil hominum fama? nihil Baiæ denique ipsæ loquuntur? illæ vero non loquuntur solùm, verum etiam personant, huc unius mulieris libidinem [a] esse prolapsam, ut ea non modò solitudinem, ac tenebras, atque hæc flagitiorum [b] integumenta non quærat, sed in turpissimis rebus frequentissimâ celebritate et clarissimâ luce lætetur. Verùm si quis est, qui etiam meretriciis amoribus interdictum juventuti putet, est ille quidem valdè severus; negare non possum; sed abhorret non modò ab hujus sæculi licentià, verùm etiam à majorum consuetudine, atque [c] concessis; quando enim hoc non factum est? quando reprehensum? quando non permissum? quando denique fuit, ut, quod licet, non liceret? Hìc ego jam rem definiam: mulierem nullam nominabo; tantum in medio relinquam. Si quæ non nupta mulier domum suam patefecerit omnium cupiditati, palamque sese in meretricià vitâ collocârit, virorum alienissimorum conviviis uti instituerit: si hoc in urbe, si in hortis, si in Baiarum illâ celebritate faciet: si denique ita sese geret, non incessu solùm, sed ornatu atque comitatu; non flagrantià oculorum, non libertate sermonis, sed etiam complexu, osculatione, aquis, navigatione, conviviis, ut non solùm meretrix, sed etiam procax videatur: cum hac si quis adolescens fortè fuerit, utrum hic tibi, L Herenni, adulter, an amator: expugnare pudicitiam, an explère libidinem voluisse videatur? Obliviscor jam injurias, Clodia; depono memoriam doloris mei: quæ abs te crudeliter in meos, me absente, facta sunt, negligo; ne sint hæc in te dicta quæ dixi; sed ex te ipsa requiro; quoniam et crimen accusatores abs te, et testem ejus criminis te ipsam dicunt se habere: si qua mulier sit hujusmodi, qualem ego paulo ante descripsi, tui dissimilis, vitâ institutoque meretricio, cum hac aliquid adolescentem hominem habuisse rationis, num tibi perturpe, aut perflagitiosum esse videatur? Ea si tu non es, sicut ego malo, quid est quod objiciant Cœlio? sin eam te volunt esse, quid est, cur nos crimen hoc, si tu contemnis, pertimescamus? Quare, nobis da viam rationemque defensionis; nam aut pudor tuus defendet, nihil à M. Cœlio petulantiùs esse factum; aut impudentia et huic, et cæteris magnam ad se defendendum facultatem dabit.

IX. Sed quoniam emersisse jam è vadis, et scopulos prætervecta

a *devenisse.* b *occultationes.* c quæ *conceduntur.*

powerful, when they cited them to trial.

17. *Subiret periculum capitis.*] An accuser was said *subire capitis periculum,* who was in danger of being guilty of calumny, for infmay always followed those who were condemned for calumny.

Ib. *Ipso inspectante populo Rom.*] This trial was held in the forum, where there were usually a great number of people present.

18. *Nihil igitur illa vincinitas redolet.*] Cœlius should not be suspected of incontinence merely because he dwelt in the neighbourhood of Clodia, on the Palatine mount.

30 *In medio relinquam.*] He permits each one to form his own opinion of her.

32. *In meretricià vitâ collocarit.*] It was not lawful for a woman to make gain by her body, unless she who had showed the license of the Ædiles for such a practice. See Tacitus near the end of his 2d book *Ann.* but that condition was imposed on them that they might be obliged to give up the rights and dignity of matrons.

38. *Herenni.*] One of the accusers.

40. *Quæ abs te.*] Cicero's family was miserably troubled by the Clodians when he was in exile. *Vide Orat. pro domo.*

44. *Tui dissimilis.*] He says this ironically.

videtur oratio mea, perfacilis mihi reliquus cursus ostenditur. Duo sunt enim crimina unâ in muliere summorum facinorum: auri, quod sumptum à Clodiâ dicitur: et veneni, quod ejusdem Clodiæ necandæ causâ parâsse Cœlium criminantur. Aurum sumpsit, ut dicitis, quod L. Lucceii servis daret, per quos Alexandrinus Dio, qui tum apud Lucceium habitabat, necaretur. Magnum crimen vel in legatis insidiandis, vel in servis ad hospitem domi necandum solicitandis: plenum sceleris consilium, plenum audaciæ. Quo quidem in crimine primùm illud requiram, dixerit ne-Clodiæ, quam ad rem aurum tum sumeret, an non dixerit? si non dixit, cur dedit? si dixit, eodem se conscientiæ scelere devinxit. Tu-ne aurum ex armario tuo promere ausa es? tu-ne Venerem illam tuam spoliatricem spoliare ornamentis? cæterùm cùm scires, quantum ad facinus aurum hoc quæreretur, ad necem scilicet legati, ad L. Lucceii, sanctissimi hominis atque integerrimi, labem sceleris sempiterni; huic facinori tanto tua mens liberalis conscia, tua domus popularis ministra, tua denique hospitalis illa Venus adjutrix esse non debuit. Vidit hoc Balbus: [facinoris tantum] celatam esse Clodiam dixit, atque ita Cœlium ad illam attulisse, sed ad ornatum ludorum aurum quærere. Si tam familiaris erat Clodiæ, quàm tu esse vis, cùm de libidine ejus tam multa dicis; dixit profectò, quò vellet aurum: si tam familiaris non erat, non dedit. Ita, si verùm tibi Cœlius dixit, ô immoderata mulier, sciens tu aurum ad facinus dedisti: si non est ausus dicere, non dedisti. Quid ego nunc argumentis huic crimini, quæ sunt innumerabilia, resistam? possum dicere, mores M. Cœlii longissimè à tanti sceleris atrocitate esse disjunctos: minimè esse credendum, homini tam ingenioso tamque prudenti non venisse in mentem, rem tanti sceleris ignotis alienisque servis non esse credendam. Possum etiam illa, et cæterorum patronorum et meâ consuetudine, ab accusatore perquirere, ubi sit congressus cum servis Lucceii Cœlius; qui ei fuerit aditus; si per se, quâ temeritate? si per alium, per quem? possum omnes latebras suspicionum peragrare dicendo: non causa, non locus, non facultas, non conscius, non perficiendi, non occultandi maleficii spes, non ratio ulla, non vestigium maximi facinoris reperietur. Sed hæc, quæ sunt oratoris propria, quæ mihi non propter ingenium meum, sed propter hanc exercitationem usumque dicendi, fructum aliquem ferre potuissent, cùm à me ipso laborata proferri viderentur, brevitatis causâ relinquo omnia. Habeo enim, Judices, quem vos socium vestræ religionis jurisque jurandi facilè esse patiemini, L. Lucceium, sanctissimum

6. *Lucceii.*] This Lucceius was a historian to whom Cicero wrote a letter, which is still extant.

13. *Venerem illam tuam spoliatricem.*] Clodia was said to have a golden image of Venus, which she always kept and worshipped. He calls it *spoliatrix*, because by the assistance of Venus, Clodia had deprived many young men of their patrimonies.

17. *Popularis.*] He calls it popular, either because it was common to the people, or because it was grateful and pleasant to her.

Ib. *Hospitalis.*] Clodia is called hospitable, on account of the image which she kept in her house.

18. *Vidit hoc Balbus.*] He destroys the effect of the testimony of Balbus which had been produced by the accusers.

22. *Quò vellet.*] Cœlius asked Clodia what use she intended to make of that gold.

30. *Ubi sit congressus.*] He removes all the circumstances of place and opportunity, and proves that those things were false which had been objected to Cœlius.

40. *Juris jurandi.*] The judges and wit-

hominem, et gravissimum testem: qui tantum facinus in famam atque fortunas suas neque non audîsset illatum à Cœlio, neque neglêxisset, neque tulisset. An ille vir, illâ humanitate præditus, illis studiis, artibus atque doctrinâ, illius ipsius periculum, quem propter hæc ipsa studia diligebat, negligere potuisset? et quod facinus in alienum hominem illatum severe [a] acciperet, id omisisset curare in hospite; quod, per ignotos actum cùm comperisset, doleret, id à suis tentatum negligeret? quod in agris, locis-ve publicis factum reprehenderet, id in urbe, ac suæ domi cœptum esse leviter ferret? quod in alicujus agrestis periculo non prætermitteret, id homo eruditus in insidiis doctissimi hominis dissimulandum putaret? Sed cur diutiùs vos, Judices, teneo? ipsius [b] jurati religionem, auctoritatemque percipite, atque omnia diligenter testimonii verba cognoscite. Recita testimonium Lucceii. TESTIMONIUM LUCCEII. Quid exspectatis ampliùs? an aliquam vocem putatis ipsam pro se causam et veritatem posse mittere? hæc est innocentiæ defensio, hæc ipsius causæ oratio, hæc una vox veritatis; in crimine ipso nulla suspicio est, et in re [c] nihil est argumenti: in negotio, quod actum esse dicitur, nullum vestigium sermonis, loci, temporis: nemo testis, nemo conscius nominatur, totum crimen profertur ex inimicâ, ex infami, ex crudeli, ex facinorosâ, ex libidinosâ domo; domus autem illa, quæ tentata scelere isto nefario dicitur, plena est integritatis, officii, religionis: ex quâ domo recitatur vobis jurejurando devincta auctoritas: ut res minimè dubia, tamen in contentione ponatur, utrum temeraria, procax, irata mulier finxisse crimen, an gravis, sapiens, moderatusque vir religiosè testimonium dixisse videatur.

X. Reliquum est igitur crimen de veneno: cujus ego neque principium invenire, neque evolvere exitum possum. Quæ fuit enim causa, quamobrem isti mulieri venenum vellet dare Cœlius? ne aurum redderet? num petivit? [d] ne crimen hæreret: num quis objecit? num quis denique fecisset mentionem, si hic nemini nomen detulisset? Quinetiam Herennium dicere audistis, verbo se molestum non futurum fuisse Cœlio, nisi iterum eâdem de re suo familiari absolute nomen hic detulisset. Credibile est igitur, tantum facinus nullam ob causam esse commissum? et vos non videtis fingi sceleris maximi crimen, ut alterius cauâ sceleris suscipiendi fuisse videatur? Cui

a *animadverteret.* b *testis.* c *nulla est probatio.* d *accusaretur* illius *criminis.*

nesses swore that they would do and say nothing contrary to the truth,

44. *Hæc ipsa studia.*] He intends the studies of humanity and eloquence.

50. *Doctissimi hominis.*] Dio, the Alexandrian deputy, was illustrious for every kind of erudition.

53. *Recita testimonium Lucceii.*] Lucceius was not present himself at this trial, but sent his evidence which was publicly read in court.

61. *Libidinosâ domo.*] He speaks of the house of Clodia, from which correct testimony could not proceed in consequence of its being a place of evil fame.

Ib. *Domus autem illa.*] But as the house of Lucceius is the abode of integrity; testimony coming from it should be valid.

Ib. *Scelere.*] Dio, the Alexandrian delegate, was said to have been slain in the house of Lucceius.

5. *Nomen detullisset.*] *Deferre nomen* is not properly to accuse, but, in presence of a magistrate, to judge, to give notice of any crime before accusation, and to bring another in *discrimen capitis* into danger of a trial.

7. *Familiari absoluto.*] He intends Pola Atratinus, one of the prosecutors in this trial.

10. *Cui denique commisit.*] Cicero pro-

denique commisit? quo adjutore usus est? quo socio? quo conscio? cui tantum facinus, cui se, cui salutem suam credidit? servis-ne mulieris? sic enim objectum est; et erat tàm demens hic, cui vos ingenium certè tribuitis, etiamsi cætera inimicâ oratione detrahatis, ut omnes suas fortunas alienis servis committeret? at quibus servis? refert enim magnoperè id ipsum: his-ne, quos intelligebat non communi conditione servitutis uti, sed licentiùs, liberiùs, familiariùs cum dominâ vivere? quis enim hoc non videt, Judices, aut quis hoc ignorat, in ejusmodi domo, in quâ mater-familias meretricio more vivat: in quâ nihil geratur, quod foras proferendum sit: in quâ lustra, libidines, luxuries, omnia denique inaudita vitia atque flagitia versentur; hîc servos non esse servos, quibus omnia committantur, per quos gerantur, qui versentur iisdem in voluptatibus, quibus occulta credantur, ad quos aliquantum etiam ex quotidianis sumptibus ac luxuriâ redundet? Id igitur Cœlius non videbat? si enim tam familiaris erat mulieris, quàm vos vultis; istos quoque servos familiares esse dominæ sciebat: sin ei tanta consuetudo, quanta à vobis inducitur, non erat, quæ cum servis potuit familiaritas esse tanta? Ipsius autem veneni quæ ratio fingitur? ubi quæsitum est? quemadmodum paratum? quo pacto? cui, quo in loco traditum? Habuisse aiunt domi, vimque ejus esse expertam in servo quodam ad rem ipsam parato, cujus [a] perceleri interitu esse ab hoc comprobatum venenum. Prô dii immortales! cur interdum in hominum sceleribus maximis, aut connivetis, aut præsentis fraudis pœnas in diem reservatis? Vidi enim, vidi, et illum hausi dolorem vel acerbissimum in vitâ, cùm Q. Metellus abstraheretur è sinu gremioque patriæ: cùmque ille vir, qui se natum huic imperio putavit, tertia die post, quàm in curiâ, in rostris, in repub. floruisset, integerrima ætate, [b] optimo habitu, maximis viribus, eriperetur indignissimè bonis omnibus atque universæ civitati; quo quidem tempore ille moriens, cùm jam cæteris ex partibus oppressa mens esset, extremum sensum ad memoriam reip. reservabat: cùm me intuens flentem significabat, interruptis atque morientibus vocibus, quanta impenderet procella urbi, quanta tempestas civitati: et cùm parietem sæpe feriens eum, qui cum Q. Catulo fuerat ei communis, crebrò Catulum, sæpe me, sæpissimè rempublicam nominabat; ut non tam se emori, quàm spoliari suo præsidio cùm patriam, tùm etiam me doleret. Quem quidem virum, si nulla vis repentini sceleris sustulisset, quonam modo ille furenti fratri suo patrueli consularis restitisset, qui

a *morte subitâ.* b *optimâ sanitate.*

duces all the circumstances, in which he proves that Cœlius did not attempt to poison her; he begins with the persons, and proves it first from the servants of Clodia, to whom that crime could not be safely trusted, because they lived under less restraint in a house which was the general resort of the partisans of pleasure.

29. *Ubi quæsitum est?*] He proves that Cœlius had not prepared poison for her, in the second place, from the circumstances of the place, and of his assistants.

32. *Prô dii immortales.*] Interrupting the thread of his discourse with a powerful exclamation, he inveighs against Clodia, who could dare to accuse Cœlius of a design to poison her, when, at the same time, she was suspected of poisoning her own husband, on whom he lavished praise.

35. *Metellus abstraheretur.*] According to Fabius, *lib.* 8. *cap.* 6. Clodia, because she killed her husband, was called *Clytamnestra*, for as she killed her husband Agamemnon with a sword, so Clodia killed Metellus with poison.

48. *Fratri suo patrueli.*] He intends

consul incipientem furere atque conantem, suâ se manu interfecturum, audiente Senatu, dixerit? Ex hac igitur domo progressa ista mulier de veneni celeritate dicere audebit? nonne ipsam domum metuet, ne quam vocem eliciat? non parietes conscios, non noctem illam funestam ac luctuosam perhorrescet? sed revertar ad crimen; etenim hæc facta illius clarissimi ac fortissimi viri mentio et vocem meam fletu debilitavit, et mentem dolore impedivit. Sed tamen venenum unde fuerit, quemadmodum paratum sit, non dicitur. Datum esse hoc auint P. Licinio, [a] pudenti adolescenti, et bono, Cœlii familiari: constitutum factum esse cum servis, ut venirent ad balneas Xenias: eòdem Licinium esse venturum, atque iis veneni pyxidem traditurum. Hìc primum illud requiro, quid attinuerit illud ferri in eum locum constitutum? cùm illi servi non ad Cœlium domum venerint? si [b] manebat tanta illa consuetudo Cœlii cum Clodiâ, tantaque familiaritas, quid suspicionis esset, si apud Cœlium mulieris servus visus esset? sin autem jam suberat simultas, extincta erat consuetudo, discidium exstiterat: hinc illæ lacrymæ nimirùm, et hæc causa est horum omnium scelerum, atque criminum. Immo, inquit, cùm servi ad dominam rem istam, et maleficium Cœlii detulissent, mulier ingeniosa præcepit suis, ut omnia Cœlio pollicerentur; sed, ut venenum, cùm à Licinio traderetur, manifestò comprehendi posset, constitui locum jussit balneas Xenias, ut eò mitteret amicos, qui delitescerent: deinde repentè, cùm venisset Licinius, ut venenum traderet, prosilirent, hominemque comprehenderent. Quæ quidem omnia, Judices, [c] perfacilem rationem habent reprehendendi; cur enim balneas publicas potissimùm constituerat? in quibus non invenio quæ latebra togatis hominibus esse possit; nam si essent in vestibulo balnearum, non laterent: sin se in intimum conjicere vellent, nec satis commodè calceati et vestiti id facere possent, et fortasse non reciperentur: nisi fortè mulier potens, quadrantariâ illâ permutatione, familiaris facta erat balneatori. Atque equidem vehementer exspectabam, quinam isti viri boni, testes hujus manifestò deprehensi veneni dicerentur; nulli enim sunt adhuc nominati: sed non dubito quin sint pergraves, qui primùm sint talis

a *verecundo.* b *erat.* c *possunt facilè refutari.*

Q. Cœlius Metellus Nepos, the consul, for he was consul with P. Cornelius Lentulus, in the year of the city 697.

55. *Unde fuerit.*] It cannot be told where that poison was obtained.

57. *Constitutum cum servis.*] *Constitum* is a law term, used when a time and place are appointed for a meeting between certain persons.

58. *Balneas Xenias.*] These baths were intended for strangers, and took their name from this circumstance.

59. *Pyxidem.*] This was a small box in which ointment or the like was kept, it was so called from the box wood of which it was first made.

65. *Hinc illæ lacrymæ.*] He shows the cause why Clodia was so inflamed against Cœlius, that she accused him of attempting to poison her, viz. because he had forsaken her.

68. *Omnia Cælio pollicerentur.*] Clodia was willing that her servants should promise to assist Cœlius in killing her.

75. *In vestibulo.*] The vestibule was not in the house, nor a part of it, but that empty space or area before the door, through which there was access from the public way to the house.

78. *Quadrantariâ.*] Plutarch informs us that Clodia was called *Quadrantaria* from her having been deceived by one of her young gallants, who gave her a quadrans, or fourth part of an *as*, instead of a piece of gold. Cicero, by using *illa*, probably, refers to this as being a well known story, but he, no doubt, means to insinuate farther that she was familiar with the bagnio-keeper, and bestowed her favours

fœminæ familiares; deinde eam provinciam susceperint, ut in balneas [a] contruderentur: quod illa nisi à viris honestissimis, ac plenissimis dignitatis, [b] quàm velit sit potens, nunquam impetravisset. Sed quid ego de dignitate istorum testium loquor? virtutem eorum diligentiamque cognoscite; in balneis delituerunt; testes egregios! deinde temerè prosiluerunt; homines gravitati deditos! sic enim fingunt, cùm Licinius venisset, pyxidem teneret in manu, conaretur tradere, nondum tradidisset, tum repentè evolasse istos præclaros testes sine nomine: Licinium autem, cùm jam manum ad tradendam pyxidem porrexisset, retraxisse, atque illo repentino hominum impetu se in fugam conjecisse. O magna vis veritatis, quæ contra hominum ingenia, calliditatem, solertiam, contraque fictas omnium insidias facilè se per se ipsam defendat! Verùm hæc tota fabella, veteris et plurimarum fabularum poëtria, quàm sine est argumento! quàm nullum invenire exitum potest! Quid enim isti tot viri (nam necesse est fuisse non paucos, ut et comprehendi Licinius facilè posset, et res multorum oculis esset testatior) cur Licinium de manibus amiserunt? qui mînùs enim Licinius comprehendi potuit, cùm se retraxit, ne pyxidem traderet, quàm si non retraxisset? erant enim illi positi, ut comprehenderent Licinium; ut manifestò Licinius teneretur, aut cùm retineret venenum, aut cùm tradidisset; hoc fuit totum consilium mulieris, hæc istorum provincia, qui rogati sunt: quos quidem tu quamobrem temerè prosiluisse dicas, atque ante tempus, non reperio; fuerant ad hoc rogati: fuerant ad hanc rem collocati, ut venenum, ut insidiæ, facinus denique ipsum ut manifestò comprehenderetur; poterunt-ne [c] meliori tempore prosilire, quàm cùm Licinius venisset? cùm in manu teneret veneni pyxidem? quæ si cùm jam erat tradita servis, evasissent subitò ex balneis mulieris amici, Liciniumque comprehendissent: imploraret hominum fidem, atque à se illam pyxidem traditam pernegaret: quem quomodo illi reprehenderent? vidisse se dicerent? primùm [d] ad se revocarent maximi facinoris crimen: deinde id se vidisse dicerent, quod, [e] quo loco collocati fuissent, non potuissent videre. Tempore igitur ipso se ostenderunt [f] cùm Licinius venisset, pyxidem expediret, manum porrigeret, venenum traderet. Mimi ergo est jam exitus, non [g] fabulæ: in quo cùm clausula non invenitur, fugit aliquis è manibus, deinde scabella concrepant, aulæum tollitur.

a *conjicerentur.* b *quantamcunque habeat potestatem.*
c *commodiori* d *facerent se reos illius maximi facinoris.*
e *ex loco quo positi fuissent.* f *quo.* g *comœdiæ.*

upon him, instead of the quadrans, which he received from every one who used his bath.

89. *Evolasse.*] That is, appeared from their hiding places.

94. *Verùm hæc tota fabella.*] He now endeavours to show how iniquitously that former narration had been fabricated.

95. *Poëtria.*] He calls Clodia a poetess, because she had often been engaged in making lies. Some copies have it *poëtriæ*.

103. *Qui rogati sunt.*] Namely, those asked by Clodia.

111. *Quomodo illi reprehenderent.*] How can they prove that he did give the box full of poison.

115. *Mimi.*] This was an irreverent and lascivious representation of obscene actions. It seems to have been a confused medley of comic drollery, on a variety of subjects, without any consistent order or design, delivered by one actor, and heightened with all the license of obscene gesticulation.

116. *Clausula non invenitur.*] The end or conclusion of any thing; so Cicero, in *Philipp.* 13. *Veniamus aliquando ad clausulam.*

117. *Scabella concrepant.*] The benches

XI. Quæro enim, cur Licinium titubantem, hæsitantem, cedentem, fugere conantem, mulieraria manus ista de manibus emisserit; cur non comprehenderint? cur non ipsius confessione, multorum oculis, facinoris denique voce, tanti sceleris crimen [a] expresserint? an timebant, ne tot unum, valentes imbecillum, alacres perterritum superare non possent? Nullum argumentum in re, nulla suspicio in causâ, nullus exitus criminis reperietur. Itaque hæc causa ab argumentis, à conjecturâ, ab iis signis, quibus veritas illustrari solet, ad testes tota traducta est. Quos quidem ego testes, Judices, non modò sine ullo timore, sed etiam cum aliquâ spe delectationis exspecto; prægestit animus jam videre, primùm [b] lautos juvenes, mulieris beatæ ac nobilis familiares: deinde fortes viros, ab imperatrice in insidiis, atque in præsidio balnearum locatos: ex quibus requiram, quonam modo latuerint, aut ubi: alveus-ne ille, an equus Trojanus fuerit, qui tot invictos viros, muliebre bellum gerentes, tulerit et texerit? Illud verò respondere cogam, cur tot viri ac tales hunc et unum, et tàm imbecillum, quàm videtis, non aut stantem comprehenderint, aut fugientem consecuti sint, qui se nunquam profectò, si istum in locum processerint, explicabunt: quàm volent in conviviis faceti, dicaces, nonnunquam etiam ad vinum diserti sint; alia fori vis est, alia triclinii: alia subselliorum ratio, alia lectorum: non idem judicum, comessatorumque conspectus: lux denique longè alia est solis, et lychnorum. Quamobrem [c] excutiemus omnes istorum delicias, omnes ineptias, si prodierint; sed, si me audiant, navent aliam operam, aliam ineant gratiam, in aliis se rebus ostentent: [d] vigeant apud istam mulierem venustate; dominentur sumptibus; hæreant, jaceant, deserviant: capiti verò innocentis, et fortunis parcant. At sunt servi illi de cognatorum sententiâ, nobilissimorum et clarissimorum hominum, manumissi. Tandem aliquid invenimus, quod ista mulier de suorum propinquorum, fortissimorum virorum, sententiâ atque auctoritate fecisse

a *extorserint.* b *elegantes.* c *scrutabimur* d *gratiosi sint isti mulieri.*

creak. Others suppose, with Salmasius, that the *scabella* was a wooden instrument, like a bench, on which the players beat to measures with their feet, having on wooden sandals, or iron ones, to make the more noise.

2. *Mulieraria manus.*] He intends that soft and effeminate band of the friends of Clodia.

10. *Prægestit animus.*] *Gestire* is to make gestures, indicative of the affections of the mind,

12. *Imperatrice.*] He calls Clodia a commandress, because she had placed her servants every where around.

14. *Alveus-ne ille.*] Alveus is commonly taken for the channel of a river, here it signifies a bathing tub.

19. *Quàm volent in conviviis faceti,* &c.] Cicero here represents, in a very beautiful manner, the insignificance of that giddy tribe, who spend their time in perpetual dissipation, in noisy mirth, and insipid gaity, when they happen to be engaged in matters of importance.

21. *Subselliorum.*] *Subsellia:* the seats are here put for the decisions; because the judges sat upon some of them, the accused on others, and the patrons and orators on others.

22. *Lux alia solis.*] Trials were held in the open air, in the Rostra, but feats were celebrated in dining halls, with torches.

24. *Navent aliam operam*] They should purchase the friendship of some other than Clodia, or concilitate her friendship in another way.

27. *At sunt servi,* &c.] Cicero here meets the objection, that they had been manumitted through the influence of her friends, as a reward for their fidelity to their mistress.

31. *Manumissi.*] It was not lawful among the Romans for a woman to manumit her servants, without the consent of her relations. These servants, were manumitted, lest they should be put to the rack, for this was not done to free citizens, as appears from Cicero, in his divisions.

videatur. Sed scire cupio, quid [a] habeat argumenta ista manumissio, in quâ aut crimen est Cœlio [b] quæsitum, aut quæstio sublevata, aut multarum rerum consciis servis cum [c] causâ præmium persolutum? At proquinquis placuit; cur non placeret, cùm rem [d] tu-te ad eos non ab aliis tibi allatam, sed á te ipsâ compertam deferre diceres? Hîc etiam miramur, si illa commentitiam pyxidem obscœnissima sit fabula consecuta? Nihil est quod in ejusmodi mulierem non cadere videatur? audita [et pervulgata] et percelebrata sermonibus res est. Percipitis animis, Judices, jamdudum quid velim, vel potius quid nolim dicere. Quod etiam si est factum, certe à Cœlio non est factum; quid enim attinebat? est enim ab aliquo fortasse, adolescente non tàm [e] insulso, quàm non verecundo. Sin autem est fictum: non illud quidem modestum, sed tamen non est inficetum mendacium; quod profectò nunquam hominum sermo, atque opinio comprobasset, nisi omnia, quæ cum turpitudine aliquâ dicerentur, in istam quadrare aptè viderentur.

PERORATIO.

XII. [f] Dicta est à me causa, Judices, et perorata; jam intelligitis, quantum judicium sustineatis, quanta res sit commissa vobis. De vi quæritis: quæ lex ad imperium, ad majestatem, ad statum patriæ, ad salutem omnium pertinet: quam legem Q. Catulus armatâ dissensione civium, reipub. penè extremis temporibus tulit: quæque lex, sedatâ illâ flammâ consulatûs mei, fumantis reliquias conjurationis exstinxit. Hâc enim lege Cœlii adolescentia non ad reipublicæ pœnas, sed ad mulieris libidines et dilicias deposcitutr. Atque hoc etiam loco M. Camurti, et C. Eserni damnatio prædicatur. O stultitiam! stultitiam-ne dicam, an impudentiam singularem? audetis-ne cùm ab eâ muliere veniatis, facere istorum hominum mentionem? audetis-ne excitare tanti flagitii memoriam, non exstinctam illam quidem, sed repressam vetustate? Quo enim illi crimine, peccatoque perierunt? nempe, quòd ejusdem mulieris dolorem et injuriam Vettiano nefario sunt stupro [g] persecuti. Ergo ut audiretur Vettii nomen in causâ, ut illa vetus Afrania fabula refricaretur, idcirco Camurti et Eserni causa est renovata? qui quanquam lege de vi certè non tenebantur, eo malefi-

a *quid probet.* b *conflatum.* c *ratione* d *tu ipsa.* e *stolido.*
f *defensa.* g *ulti sunt violatâ pudicitiâ Vettii.*

32. *Aut quæstio sublevata.*] By this means the servants were freed from the torments to which they were otherwise subjected.

36. *Obscœnissima fabula.*] Our orator here alludes to some infamous and notorious story, which took its rise from this box, but what it was we are no where told.

6. *Sedatâ flammâ consulatûs mei.*] Cataline's conspiracy.

7. *Non ad Reipublicæ pœnas.*] Cœlius was not accused by the Plautian law, but because he would not satisfy the unbridled lust of a woman.

9. *Camurti, et C. Eserni damnatio.*] Hotoman thinks, that these were condemned for being concerned in the death of the Alexandrian delegates. But others think, that they were condemned, because, at the request of Clodia, they had killed a certain Vetteius, who would not yield to her solicitations.

15. *Ut illa vetus Afrania fabula refricaretur.*] This either alludes to one Afranius, a poet, who wrote some plays full of obscenity, or to an impudent woman called Caia. Afrania is mentioned by Val. Maximus, who informs us, that she was constantly engaged in law suits; that she always plead her own cause before the prætor; and, that she spoke so much, and loud, that her name became proverbial in the forum.

17. *Lege de vi non tenebantur.*] They were apprehended for violence; not indeed because they had disturbed the pub-

cio tamen erant implicati, ut ex nullius legis laqueis emittendi viderentur. M. verò Cœlius cur in hoc judicium vocatur? cui neque proprium quæstionis crimen objicitur, nec verò aliquid ejusmodi, [a] quod sit à lege sejunctum, et cum vestrâ severitate conjunctum; cujus prima ætas dedita disciplinis fuit, iisque artibus, quibus instruimur ad hunc usum forensem, ad [b] capessendam rêmpublicam, ad honerem, gloriam, dignitatem: [c] iis autem fuit amicitiis majorum natu quorum imitari industriam continentiamque maximè velit: iis æqualium studiis, ut eundem, quem optimi ac nobilissimi, petere cursum laudis videretur. Cum autem paulùm jam roboris accessisset ætati, in Africam profectus est, Q Pompeio Proconsuli contubernalis, castissimo viro atque omnis officii diligentissimo: in quâ provinciâ cùm [d] res erant et possessiones paternæ, tum etiam usus quidam provincialis, non sine causâ, à majoribus huic ætati tributus. Discessit illinc Pompeii judicio probatissimus, ut ipsius testimonio cognoscetis; voluit vetere instituto, eorum adolescentium exemplo, qui pòst in civitate summi viri et clarissimi cives exstiterunt, industriam suam à populo Romano ex aliquâ illustri accusatione cognosci. Vellem aliò potiùs eum cupiditas gloriæ detulisset; sed abiit hujus tempus quærelæ. Accusavit C. Antonium, collegam meum: cui misero præclari in rempublicam beneficii memoria nihil profuit, nocuit opinio maleficii cogitati. Postea nemini concessit æqualium, plus ut in foro, plus ut in negotiis versaretur causisque amicorum, plus ut valeret inter suos gratia: quæ nisi [e] vigilantes homines, nisi sobrii, nisi industrii consequi non possunt, omnia labore et diligentiâ est consecutus. In hoc flexu quasi ætatis (nihil enim occultabo, fretus humanitate ac sapientiâ vestrâ) fama adolescentis paulùm hæsit ad metas notitiâ nova mulieris, et infelici vicinitate, et [f] insolentiâ voluptatum, quæ cum inclusæ diutius, et primâ ætate compressæ, et constrictæ fuerunt, subitò se nonnunquam profundunt, atque ejiciunt universæ; quâ ex vitâ, vel dicam, quo ex sermone, nequaquam enim tantum erat, quantum homines loquebantur,

a *quod non licet per legem.* b *gubernandam.* c *habuit eas amicitias cum senioribus.* d *facultates.* e *studiosi.* f *novitate.*

lic by arms, but because they had committed violence upon young man, who was most sacred, on account of his chastity.

26. *Nobilissimi.*] Cœlius followed the same course of life which other noble men did.

28. *Proconsuli contubernalis.*] This may either signify, that Cœlius lived in the same tent with the proconsul, or that he was under his particular care and inspection.

30. *Usus quidam provincialis.*] The Romans used to send their young men into the provinces with the magistrates, that they might be better prepared to govern the republic; hence, this custom is put for experience.

32. *Vetere instituto.*] The ancients granted young men the privilege of giving a specimen of their ingenuity, in accusing those who had been magistrates.

35. *Illustri accusatione.*] Cœlius accused Antony, the consul, of treason, Cicero defended him.

38. *Beneficii memoria.*] He deserved well of his country, for destroying the army of Cataline.

Ib. *Opinio maleficii.*] At first Antony took part with Cataline in the conspiracy, but he was recalled from it by the persuasion of Cicero.

44. *Paulùm hæsit ad metas.*] This is a beautiful metaphor, borrowed from the chariot races, in which the greatest art and dexterity were requisite to avoid the *meta* handsomely, in making their turns. Now, as this part of the race was the most difficult, Cicero says, as Cœlius finished the course of his youth, he glided into licentious pleasure, and stopped a little; and thus, he was like those who, not turning their course correctly, stood upon the *meta*, and did not obtain the end and reward of their labour.

verùm ex eo. quidquid erat, emersit, totumque se ejecit atque extulit: tantumque abest ab illius familiaritatis infamiâ, ut ejusdem nunc ab sese inimicitias odiumque propulset. Atque ut iste interpositus sermo deliciarum desidiæque [a] moreretur (fecit, me, mehercule, invito et multùm repugnante, sed tamen fecit) nomen amici mei de ambitu detulit: quem absolutum insequitur, revocat: nemini nostrùm obtemperat: est violentior quàm vellem. Sed ego non loquor de sapientiâ, quæ non cadit in hanc ætatem: de impetu animi loquor, de cupiditate vincendi, de ardore mentis ad gloriam: quæ studia in his jam ætatibus nostris [b] contractiora esse debent: in adolescentiâ verò, tanquam in herbis, significant, quæ virtutis maturitas, et quantæ fruges industriæ sint futuræ. Etenim semper magno ingenio adolescentes refrenandi potiùs à glorâ, quàm incitandi fuerunt: amputanda plura sunt illi ætati, siquidem efflorescit ingenii laudibus, quàm [c] inserenda. Quare, si cui nimium [d] efferbuisse videtur hujus, vel in suscipiendis, vel in gerendis inimicitiis, vis, ferocitas, pertinacia; si quem etiam minimorum horum aliquid offendit; si [e] purpuræ genus, si amicorum catervæ, si splendor, si nitor: jam ista deferbuerint; jam ætas omnia, jam ista dies mitigârit. Conservatæ igitur reipublicæ, Judices, civem bonarum artium, bonarum partium, bonorum virorum; promitto hoc vobis, et reipublicæ spondeo, si modo nos ipsi reipublicæ satisfecimus, nunquam hunc à nostris rationibus sejunctum fore; quod cùm fretus nostrâ familiaritate promitto, tum quòd durissimis se ipse legibus jam obligârit. Neque enim potest, qui hominem consularem, quod ab eo rempublicam violatam diceret, in judicium vocârit, ipse esse in republicâ civis turbulentus: non potest, qui ambitu ne absolutum quidem patitur esse absolutum, ipse impunè unquam esse largitor. Habet à M. Cœlio respublica, Judices, duas accusationes vel obsides periculi vel pignora voluntatis. Quare oro, obtestorque vos, Judices, ut quâ in civitate paucis his dibus Sext. Clodius absolutus sit, quem vos per biennium aut ministrum seditionis, aut ducem vidistis; qui ædes sacras, qui censum populi Romani,

a *auferretur*. b minus *ardentia*. c *concedenda*.
d *flagrasse*. e *elegantia ornatûs*.

53. *Nomen amici mei.*] Cœlius accused Pola Servius, the father of Atratinus, of bribery. Cicero calls him his friend, lest he should injure his cause; for, in his *lib.* 2. he says, that Pola was a foul and savage man.

54. *Absolutum insequitur.*] Pola had been acquitted, but Cœlius recalled him by a second prosecution.

Ib. *Nemini nostrûm obtemperat.*] When his father, Crassus, and Cicero, attempted to dissuade Cœlius, he would not obey them, but accused Pola a second time.

59. *Tanquam in herbis.*] This proverb and metaphor is taken from the tender crops, from which the husbandman can hope for nothing with certainty, until they have come to maturity.

73. *Violatam diceret.*] He says, because Antony appeared to favour Cataline, therefore, Cœlius said he had committed violence upon the republic.

77. *Obsides periculi.*] He declares that there was nothing to be feared from Cœlius, who had entered two accusations, as pledges of his fidelity to the republic.

78. *Sext. Clodius.*] Sext. Clodius was the intimate acquaintance and scribe of Pub. Clodius, to whom Cicero has imputed all his crimes; because, in committing them, he had used him as an assistant. He gives a wonderful description of this Sextus Clodius in his oration *pro Domo*.

79. *Per biennium.*] From the time that he became a plebeian, even to the return of Cicero, which was two years, Clodius had been engaged in exciting seditions in the republic.

80. *Ædes sacras.*] By a hyperbole he says *ædes*, for the temple of the nymphs

qui memoriam publicam suis manibus incendit, hominem sine [a] re, sine fide, sine spe, sine sede, sine fortunis; ore, linguâ, manu, vitâ omni inquinatum; qui Catuli monumentum afflixit, meam domum diruit, mei fratris incendit; qui in palatio atque in urbis oculis servitia ad cædem et inflammandam urbem incitavit: in eâ civitate ne patiamini illum absolutum muliebri gratiâ, M. Cœlium libidini muliebri condonatum: ne eadem mulier cum suo conjuge et fratre, turpissimum latronem eripuisse, et honestissimum adolescentem oppressisse videatur. Quod cum hujus vobis adolescentiam proposueritis, constituitote vobis ante oculos hujus etiam miseri senectutem, qui hoc unico filio nititur, in hujus spe requiescit, hujus unius casum pertimescit: quem vos supplicem vestræ misericordiæ, servum potestatis, abjectum non tàm ad pedes, quàm ad mores sensusque vestros, vel recordatione parentum vestrorum, vel liberorum jucunditate sustentate: ut in alterius dolore, vel pietati, vel indulgentiæ vestræ serviatis, nolite, Judices, aut hunc jam naturâ ipsâ [b] occidentem velle maturiùs, extingui vulnere vestro, quàm suo fato: aut hunc nunc primum florescentem firmatâ jam stirpe virtutis, tanquam turbine aliquo aut subitâ tempestate pervertere. Conservate parenti filium, parentem filio, ne aut senectutem jam prope [c] desperatam contempsisse, aut adolescentiam plenam spei maximæ non modò non aluisse vos, sed etiam [d] perculisse atque afflixisse videamini. Quem si vobis, si suis, si reipublicæ conservatis, addictum, deditum, obstrictum vobis ac liberis vestris habebitis: omniumque hujus [e] nervorum ac laborum vos potissimùm, Judices, fructus uberes diuturnosque capietis.

a *bonis*. b *morientem*. c *mortuam*. d *evertisse*. e *virium*.

alone was burnt. When the city was subject to a great many fires, the Romans, believing that it was only through the assistance of the nymphs that they could be relieved from the fires, built a temple to them.

Ib. *Censum populi Rom.*] In the temple of the nymphs public records were kept, in which both the names of the Romans, and the valuation of each one's property was written. *Vide Orat. pro Milone, p.* 257.

83. *Catuli monumentum.*] The portico on the Palatine mount, was the monument of Catulus.

Ib. *Meam domum diruit.*] While Cicero was in exile, Clodius consecrated his house to liberty.

86. *Muliebri gratiâ.*] If Sextus Clodius was acquitted on account of Clodia, Cœlius should not be delivered to condemnation and punishment, on her account.

87. *Mulier cum suo conjuge.*] He puns Clodius, who was infamous for his incest with his sister Clodia.

Ib. *Turpissimum latronem.*] He calls Sextus Clodius a robber; who, by the kindness of Clodia, had been acquitted.

89. *Constituitote vobis ante oculos hujus etiam miseri senectutem.*] Scarce any thing can be of greater efficacy, to melt the mind into tenderness and compassion, than the sight of old age, overwhelmed with sorrow and affliction. This circumstance, therefore, wrought up with so much beauty, by one who was master of all the powers of eloquence, and knew well all the avenues of the human heart, could not fail of impressing the judges, with favourable dispositions to Cœlius, who accordingly was acquitted.

95. *Nolite, Judices.*] Some of the best editions commence a new sentence with *nolite Judices*.

IN

L. CALPURNIUM PISONEM.

L. CALPURNIUS PISO was consul with Galbinius, A. U. C. 695; they were both professedly the enemies of Cicero, and concurred with Clodius in those violent measures, which terminated in his banishment. Upon the expiration of his consulship, Piso went to Macedonia, in which province his administration was extremely unpopular: he oppressed the people, plundered the allies, and lost the best part of his troops in opposing the neighbouring barbarians, who invaded and laid waste the country. Cicero, after his return from exile, neglected no opportunity of being revenged; and, on the occasion of a debate in the Senate, about the consular provinces, exerted all his authority to get him recalled with some marks of disgrace, to which the Senate ultimately acceeded. When he arrived at Rome, he entered the city without any other attendance than that of his own retinue. On his first appearance in public, trusting to the authority of Cæsar, who was his son-in-law, he had the hardiness to attack Cicero, and to complain to the Senate of his injurious treatment of him. Cicero, provoked by his insolence, replied to him upon the spot, in the following oration, which is a severe invective upon his whole life. It was delivered, *anno Ciceronis* 52.

EXORDIUM.

I. JAMNE vides, bellua, Jamne sentis, [a] quæ sit hominum querela frontis tuæ? nemo queritur Syrum, nescio quem, de grege novitiorum, factum esse consulem; non enim nos color iste servilis, non pilosæ genæ, non dentes putridi deceperunt; oculi, supercilia, frons, vultus denique totus, qui sermo quidam tacitus mentis est, hic in errorem homines impulit: hîc eos, quibus eras ignotus, decepit, fefellit, in fraudem induxit. Pauci ista tua lutulenta vitia noveramus, pauci tarditatem ingenii, stuporem debilitatemque linguæ; nunquam erat audita vox in foro; nunquam periculum factum consilii; nullum non

INTERPRETATIO.

a *quantum homines querantur de fronte tuâ.*

NOTES.

1. *Jamne vides, bellua.*] Some suppose that this exordium is entire, but abrupt and animated. But many who have commented on Cicero, think otherwise, on good grounds, namely, the authority of Asconius Pediamus, a most ancient commentator, who cites certain fragments of this exordium, from which it appears that we have nothing more than the second part.

Ib. *Jamne sentis.*] By this he declares the stupidity of Piso, who was possessed only of sight and perception, like the beasts.

2. *Syrum, nescio quem.*] The names of the nations whence they came, were often given to servants. Some suppose that Labienus, who ruled in Syria, is here intended.

Ib. *Novitiorum.*] He speaks of those venal servants, who, being but newly come, had not yet served a year.

3. *Color iste servilis.*] The Syrians were of a dark complexion.

4. *Oculi.*] The eyes are the indices of the mind, for anger, joy, &c. are manifested in them.

Ib. *Supercilia.*] By the brows he intends haughtiness and pride.

7. *Latulenta vitia.*] He here charges Piso with the basest vices, in which he delighted to wallow as a sow in the mire.

9. *Audita vox in foro.*] He says, that such was the stupidity of the man, that he had never been heard in the forum, either defending or accusing any one.

Ib. *Periculum factum consilii.*] Piso had not only never been heard in the forum,

modò illustre, sed ne notum quidem factum, aut militiæ, aut domi: [a] obrepsisti ad honores errore hominum, commendatione fumosarum imaginum: quarum simile habes nihil præter colorem. Is mihi etiam gloriabitur, se omnes magistratus sine repulsâ assecutum? mihi ista licet de me verâ cum gloriâ prædicare; omnes enim [b] honores populus Romanus mihi ipsi, homini novo, detulit. Nam tu cùm quæstor es factus, etiam qui te nunquam viderant, tamen illum honorem nomini [c] mandabant tuo. Ædilis es factus: Piso est à populo Romano factus, non iste Piso. Prætura item majoribus delata est tuis; noti erant illi mortui: te vivum nondum noverat quisquam. Me cùm quæstorem in primis, ædilem priorem, prætorem primum cunctis suffragiis populus Romanus faciebat, homini ille honorem, non generi; moribus, non majoribus meis; virtuti perspectæ, non auditæ nobilitati, deferebat.

INSECTATIO PISONIS.

Illa Pisonis insectatio duas partes complectitur; in primâ agit de publicis Pisonis flagitiis, secundâ de privatis.

PRIMA PARS.

Hæc prima pars tres alias continet. In primâ agit de Consulatu Pisonis, quem impiè ille gessit. In secundâ, de provinciâ, quam nefariè administravit. In tertiâ, de ejus reditu.

II. Nam quid ego de consulatu loquar? [d] parto vis, anne gesto? Miserum me! cum hâc me nunc peste, atque labe confero? sed ni-

a *pervenisti* clam. b *magistratus.* c *concedebant.* d *quomodo pepererim, aut gesserim.*

but not even in the senate, when it deliberated on the affairs of the republic; for, by these two things, persons recommended themselves at Rome.

10. *Aut militiæ.*] The Romans acquired glory and a name, either by their eloquence at Rome, or by the illustrious things which they did in war.

11. *Commendatione fumosarum imaginum.*] The right of using pictures or statues at Rome, was only allowed to such whose ancestros or themselves had borne some *curule* office, that is, had been curule, ædile, censor, prætor, or consul. He that had the pictures or statues of his ancestors was called *nobilis*, he that had only his own, *novus*, he that had neither, *ignobilis*. It was usual with the Romans, as Cicero informs us in his book of Offices, to burn frankincense and wax lights before them upon the *dies festi*, whence probably they are here called *fumosæ*.

12. *Is mihi etiam gloriabitur.*] Piso, when speaking against Cicero, said that he had obtained all the magistracies, but Cicero attributes this glory not to Piso himself, but to his ancestors, at the same time he says they were given to me on account of myself.

16. *Quæstor.*] Varro says the quæstors were so called from *quærendo*, because they collected the public moneys. They were first instituted by the kings of Rome, and were afterwards elected by the votes of the people, like the other magistrates.

17. *Nomini.*] Cicero reproaches Piso with being indebted for his advancement, not to personal merit, but to his name. He was descended indeed from one of the most illustrious families in Rome, that of Piso Frugi, who had done many and distinguished services to the Roman state.

Ib. *Ædilis es factus: Piso.*] Some of the Ædiles were Plebeians, others were *curules*. The administration of the *curules* was three fold; first, they were to attend to the games; second, defend the sacred and public houses, and the public ways; and third, they were to see that there was no fraud committed in selling slaves, and in the size of the measures. But that of the Plebeians was four fold, according to Dionys. Hal. first, to assist the tribunes; second, to attend to the Plebian games; third, to preserve the common sewers; fourth, to inspect the provisions. All these were elected by the people, and entered upon their magistracy on the kalends of January.

18. *Non iste Piso.*] He intends that

hil comparandi causâ loquar; ac tamen ea quæ sunt longissimè disjuncta comprehendam. Tu consul es renunciatus (nihil dicam graviùs, quàm quod omnes fatentur) impeditis reipublicæ temporibus, dissidentibus Coss. Cæsare et Bibulo, cùm hoc non recusares, quin ii, à quibus dicebare consul, te luce dignum non putarent, nisi nequior, quàm Gabinius, extitisses: me cuncta Italia, me omnes ordines, me universa civitas, non prius tabellâ quàm voce, priorem consulem declaravit. Sed omitto, ut sit factus uterque nostrûm; sit sanè Sors domina campi; magnificentius est dicere, quemadmodum gesserimuis consulatum, quàm quemadmodum ceperimus. Ego Kalendis Januar. Senatum et bonos omnes legis agrariæ maximarumque largitionum metu liberavi. Ego agrum Campanum, si dividi non oportuit, conservavi; si oportuit, melioribus auctoribus reservavi. Ego in C. Rabirio perduellionis reo, XL. annis ante me consulem, interpositam Senatûs auctoritatem sustinui contra invidiam, atque defendi. Ego adolescentes bonos et fortes, sed usos eâ conditione fortunæ, ut si essent magistratus adepti, reipub. statum [a] convulsuri viderentur, meis inimicitiis, [b] nullâ Senatûs malâ gratiâ, comitiorum ratione privavi; ego Antonium collegam, cupidum provinciæ, multa in republicâ mo-

a *perdituri.*

b *nullo odio concepto in Senatum.*

Piso, who was surnamed Frugi, a man of great virtue and integrity.

19. *Me cùm quæstorem.*] Cicero now compares himself with Piso, and lessens his honour, whilst he shows himself to have been superior, from the fact that he had obtained magistracies without the assistance of ancestors.

4. *Tu Consul renunciatus.*] The magistrates were proclaimed either by the common crier, or by the consul himself.

5. *Impeditis reipub. temporibus.*] He speaks of the civil dissensions which arose when Bibulus opposed Cæsar, who, that he might draw over the minds of the poor to himself, instituted an inquiry about the propriety of leading out colonies, and dividing the lands. *Plutar. in Pom.*

7. *Nequior, quàm Gabinius.*] This Gabinius, as Cicero, in his oration, after his return to the senate, says, spent all the early part of his life in debauchery, and as Plutarch says, he was a flatterer among all the buffoons of Pompey.

9. *Tabellà quàm voce.*] They elected either by ballot, or by ayes and noes. Cicero had been declared consul by the common voice of the people.

11. *Domina campi.*] Fortune and chance ruled the *comitia* which were held in the campus Martius, oftener than reason and counsel.

12. *Kalendis Januariis.*] The consuls commenced their consulship on the kalends of January, as appears from *Ovid. lib. 4. de Ponto.*

Ergo ubi, Jane biceps, longum reseraveris anum,
Pulsus et à Sacro mense December erit;
Purpuar Pompeium summi velabit honoris,
Ne titulis quicquam debeat illa suis.

13. *Legis Agrariæ.*] The Agrarian law was first promulgated in the consulship of Cassius and Proculus, and was afterwards renewed by Rullus, a tribune of the common people, by which he divided the Campanian land among the people, but Cicero annulled this law as soon as he was made consul. See *Orat. de lege Agrar.*

15. *Melioribus auctoribus.*] Pompey and Cæsar.

Ib. *In Rabirio perduellionis reo.*] Rabirius had been seen with a weapon in the tumult, in which Saturninus, who, when a tribune of the people, had excited seditions, was slain, and had afterwards carried his head about for a laughing stock. Thirty six years after Rabirius was accused of murder before the people by Labienus, a tribune, and defended by Cicero the consul. See his oration.

18. *Adolescentes bonos.*] Cornelius Sylla, by an express law, excluded from the senate and from all public honours the children of proscribed persons, when, notwithstanding this, they wished to sue for an office, Cicero spoke an oration against them. See *Pliny lib. 7. cap. 30.*

21. *Cupidum provinciæ.*] Macedonia

lientem, patientiâ atque obsequio meo mitigavi. Ego provinciam Galliam Senatûs auctoritate, exercitu et pecuniâ instructam et ornatam, quam cum Antonio communicavi, quòd ita existimabam tempora reipubl. ferre, in concione deposui, reclamante populo Romano. Ego L. Catilinam, cædem Senatûs, interitum urbis, non obscurè, sed palàm molientem, egredi ex urbe jussi: ut, à quo legibus non poteramus, mœnibus tuti esse possemus. Ego tela extremo mense consulatûs mei intenta jugulis civitatis de conjuratorum nefariis manibus extorsi. Ego faces jam accensas ad hujus urbis incendium comprehendi, protuli, extinxi. Me Q Catulus princeps hujus ordinis, et auctor publici consilii, frequentissimo Senatu, parentem patriæ nominavit. Mihi hic vir clarissimus, qui propter te sedet, L. Gellius, his audientibus, civicam coronam deberi à repub. dixit. Mihi togato Senatus, non, ut multis, benè gestæ, sed ut nemini conservatæ reipublicæ singulari genere supplicationis, deorum immortalium templa patefecit Ego cùm in concione, abiens magistratu, dicere à tribuno-plebis prohiberer, quæ constitueram; cùmque is mihi tantummodò ut jurarem, permitteret; sine ullâ dubitatione juravi, rempubl. atque hanc urbem meâ unius oper. esse salvam. Mihi populus Romanus universus, illâ in concione, non unius diei gratulationem, sed æternitatem immortalitatemque donavit, cùm meum jusjurandum tale

had been allotted to Cicero, and Gaul to Antony. When Antony wished for Macedonia because it was more rich, Cicero exchanged it for Gaul, and thus, by an exchange of provinces, recalled him to the cause of the republic.

23. *Senatûs auctoritate.*] The senate decreed the provinçes, and it was unlawful for any one to resign them without the same authority.

27. *Jussi.*] He ordered Cataline to go out, not by his own consular authority, but by the authority of a decree of the senate.

28. *Ego tela.*] Cataline had commanded C. Cornelius and M. Cethegus to kill Cicero. But Fulvia went to Cicero in the night, and disclosed their plots; and told him that they were to come to kill him, under the pretence of a salutation.

30. *Faces jam accensas.*] He says that he had by Flaccus, the prætor, taken the letters of the conspirators, on the Milvian bridge, and had read them publicly to the senate, by which all the designs of the conspirators were detected.

31. *Q. Catulus.*] L. Catulus had great influence in the senate. He called Cicero the father of his country, which appellation had been decreed to no one before. *Plut. in vitâ Cic.*

34. *Civicam coronam.*] According to Gellius, *lib.* 5. *cap.* 6. that was called a civic crown, which was presented by one citizen to another, by whom his life had been preserved in battle, as a testimony of the preservation of life and safety. It was made of the oak leaf, because, as some think, the acorn was the most ancient kind of food.

35. *Non, ut multis, benè gestæ,* &c.] Cicero here boasts that an honour had been decreed to him, which had been granted to no one else. For, commonly, thanksgivings were decreed to those who had managed affairs well in war; but they were given to him because he had preserved the republic without the sword, and without an army, from the conspiracy of Cataline.

37. *Ego cùm in concione, abiens magistratu, dicere a tribuno-plebis prohiberer, quæ constitueram.*] It was usual to resign the consulship in an assembly of the people, and to take an oath of having discharged it with fidelity. This was generally accompanied with a speech from the consul, whose office had just expired, and after such a year and from such a speaker, the city was in no small expectation of what Cicero would say to them; but Metellus, one of the new tribunes, who generally opened their magistracy with some remarkable act, as a specimen of the measures they intended to pursue, disappointed both the orator and the audience; for, when Cicero had mounted the rostra, and was ready to perform this last act of his office, he would not suffer him to speak, or do any thing more than barely to take the oath, declaring "that he who had put citizens to death unheard, ought not to be permitted to speak for himself."

atque tantum, juratus ipse, unâ voce et consensu approbavit. Quo quidem tempore is meus domum fuit è foro reditus, ut nemo, nisi qui mecum esset, civium esse in numero videretur. Atque ita est à me consulatus peractus, ut nihil sine consilio Senatûs, nihil non approbante populo Romano egerim: ut semper in rostris curiam, in Senatu populum defenderim: ut multitudinem cum principibus, equestrem ordinem cum Senatu conjunxerim.

III. Exposui breviter consulatum meum. Aude nunc, ô furia, de tuo dicere: cujus fuit initium ludi Compitalitii, tùm primùm facti post L. Metellum et Q. Marcium coss. contra auctoritatem hujus ordinis: quos Q. Metellus (facio injuriam fortissimo viro mortuo, qui illum, cujus paucos pares hæc civitas tulit, cum hâc importunâ belluâ conferam) sed ille designatus consul, cùm quidam tribunus-pleb. suo auxilio magistros ludos contra senatusconsultum facere jussisset, privatus fieri vetuit: atque id, quod nondum potestate poterat, obtinuit auctoritate. Tu, cùm, in Kalendis Jan. Compitalitiorum dies incidisset, Sex. Clodium, qui nunquam antea prætextatus fuisset, ludos facere, et prætextatum volitare passus es, hominem impurum, atque non modò facie, sed etiam oculo tuo dignissimum. Ergo his fundamentis positis consulatûs tui, triduo post, inspectante et tacente te, à P. Clodio, fatali portento prodigioque reipublicæ, lex Ælia et Fusia eversa est, propugnacula murique tranquillitatis atque otii.

43. *Juratus ipse.*] When the oath of Cicero was heard, in which he swore that he had preserved the laws and the republic; the people in their turn swore that it was so, that the republic had been preserved by him.

44. *E foro reditus.*] The people, as a mark of respect, often lead the chief men and those who had deserved well of the republic to, and accompanied them on their return from the forum or the senate house to their dwellings. This was particularly done to Cicero, when he ordered the conspirators to be slain in prison. See *Plut. in vitâ Cic.*

1. *Aude nunc.*] He now begins to speak of the consulship of Piso, whose unworthiness, he shows in the following manner. It is the duty of the consul to defend the decrees of the senate, but Piso suffered games to be made, the laws to be broken, and other things of this kind. Metellus the consul elect, obtained that the games should be abolished, Piso when consul, did the very contrary, &c.

2. *Ludi Compitalitii.*] The Ludi Compitalitii were so called from the *compita* or cross lanes, where they were celebrated in honour of the household gods. There was no certain day fixed to hold them, but Dyonysius *lib.* 4. says that they were celebrated not long after the Saturnals. They were first instituted by Servius Tullius, but his colleagues being removed they were abolished. They were afterwards revived and held during the *compitali* or feast of the *Lares*, who presided as well over streets as houses.

3. *L. Metellum et Q. Marcium.*] They had been consuls nine years since

6. *Quidam Tribunus.*] Herennius or Mummius.

7. *Magistros, ludos.*] Many editions read *magnos*; but unnecessarily, for he does not here speak of great, but of the Compitalitian games. By *magistros*, he intends the magistrates of the villages, who, having on the *prætexta*, used to make the Compitalitian games, as appears from Asconius.

8. *Potestate poterat.*] Power respects the magistracy; authority the person.

9. *Kal. Jan. dies incidisset.*] The time of celebrating the Compitalitia, was a few days after the Saturnals, which were celebrated in the month of December.

10. *Prætextatus.*] The magistrates and they who were over the games, alone had a right to wear the *prætexta*.

14. *Lex Ælia et Fusia.*] Q. Ælius, the consul with M. Junius, passed a law concerning the *comitia* in the year 586; that as often as they conferred with the people, they should observe the omens in the heavens, for the purpose of declaring whether or no it was lawful, according to the intention of Jupiter; and thus they had the power of stopping the legislation. For, when a law was passed, the omens in the heavens were observed; and if the magistrates observed any thing to hinder the *comitia*, they announced it. P. Furius or

Collegia non ea solùm, quæ Senatus sustulerat, restituta sunt, sed innumerabilia quædam nova ex omni fæce urbis ac servitio constituta. Ab eodem homine in stupris inauditis nefariisque versato, vetus illa magistra pudoris et modestiæ, severitas censoria sublata est: cùm tu interim, bustum reipul. qui te consulem tum Romæ dicis fuisse, verbo nunquam significaris sententiam tuam tantis in naufragiis civitatis. Nondum quæ feceris, sed quæ fieri passus sis, dico: neque verò multùm interest, præsertim in consule, utrum ipse perniciosis legibus, improbis concionibus rempubl. vexet, an alios vexarè patiatur. An potest ulla esse excusatio, non dicam malè sentienti, sed [a] sedenti, cunctanti, dormienti in maximo reipub. motu consuli? centum prope annos legem Æliam et Fusiam tenueramus: quadringentos judicium, notionemque censoriam: quas leges ausus est non nemo improbus, potuit quidem nemo unquam, convellere: quam potestatem minuere, quo minus de moribus nostris quinto quoque anno judicaretur, nemo tam effusè petulans conatus est. Hæc sunt, ô carnifex, in gremio sepulta consulatûs tui. Persequere connexos his funeribus dies. [b] Pro Aurelio tribunali, ne connivente quidem te, quod ipsum esset scelus, sed etiam hilarioribus oculis, quàm solitus eras, intuente, delectus servorum habebatur ab eo, qui nihil sibi unquam nec facere, nec pati turpe esse duxit; arma in templo Castoris, ô proditor templorum omnium! vidente te, constituebantur ab eo latrone, cui templum illud fuit, te consule, arx civium perditorum, receptaculum veterum Catilinæ militum, castellum forensis latrocinii, bustum legum omnium ac religionum. Erat non solùm domus mea, sed totum Palatium

a *oscitanti.* b *prope.*

Fusius, the consul, with Sextus Attilius, in the year of the city 616, decreed that, on certain days, it should not be lawful to treat with the people: these, however, were lucky days.

16. *Collegia.*] These societies or fraternities, were instituted by Numa Pompilius, as Plutarch informs us in his life. They were abolished by the decree of the Senate, on account of their seditious tendency; but were restored by the Clodian law, that he might have men prepared to excite seditions, on his behalf.

18. *Vetus illa censoria.*] The censors held their office five years: it was their duty to assess the families and estates of the citizens, to watch over the morals of the city, to divide the people into tribes, to choose the president of the senate and the equestrian order, to mark wicked citizens with disgrace, &c. But Clodius passed a law that the censors in choosing should pass by no one, and should punish no one with ignominy; unless he who was accused before them, and was condemned by the opinion of both censors.

23. *Præsertim in consule.*] The consul should watch over his country, and remove seditions and every injury from the citizens.

28. *Non nemo improbus.*] He intends Gabinius, the colleague of Piso, or rather Vatinius, who was tribune of the people in the consulship of Piso and and Gabinius. *Vide Orat. in Vatin.*

32. *Connexos his funeribus.*] He calls the disturbance of the whole republic, and the vexation of the citizens by Clodius the tribune, a desolation.

33. *Aurelio.*] That tribunal was called Aurelium from Aurelius Cotta.

36. *In templo Castoris.*] This temple was built by Aulus Posthumius, upon his victory over the Latins, about the year of Rome 258; in consequence of a fabulous story, which we find related by Dionysius of Halicarnassus. Two young horsemen, it is said, of an extraordinary and majestic stature, appeared to Posthumius during the battle of Regillus, and fought for the Romans. In the evening, after the battle, they appeared at Rome in the Forum; and, after having told the crowd of citizens who surrounded them the first news of the victory, they disappeared. The next morning the magistrates receiving letters from Posthumius, which among other circumstances of the battle, mentioned the sudden appearance of the two young horsemen who fought for the Romans, it was

Senatu, equitibus Romanis, civitate omni, Italiâ cunctâ refertum: cùm tu non modò ad eum Ciceronem (mitto enim domestica, quæ negari possunt: hæc commemoro, quæ sunt palam) non modò, inquam, ad eum, cui primam comitiis tuis dederas tabulam prærogativæ, quem in Senatu sententiam rogabas tertium, nunquam aspirâsti: sed omnibus consiliis, quæ ad me opprimendum parabantur, non interfuisti solùm, verùm etiam crudelissimè præfuisti. Mihi verò ipsi coram genero meo, propinquo tuo, quæ dicere ausus es? egere, foris esse Gabinium: sine provinciâ stare non posse: spem habere à tribunoplebis, si tua consilia cum illo conjunxisses: à Senatu quidem desperâsse: hujus te cupiditati obsequi, sicuti ego fecissem in collegâ meo: nihil esse quòd præsidium consulum implorarem: sibi quemque consulere oportere. Atque hæc dicere vix audeo: vereor ne qui sit, qui istius insignem nequitiam, frontis involutam in integumentis, nondum cernat; dicam tamen: ipse certè agnoscet, et cum aliquo dolore flagitiorum suorum recordabitur. Meministi-ne, cœnum, cùm ad te quintâ fere horâ cum C. Pisone venissem, nescio quo è gurgustio te prodire, involuto capite, soleatum? et, cùm isto ore fœtido teterrimam nobis popinam inhalâsses, excusatione te uti valetudinis, quòd diceres, vinolentis te quibusdam medicaminibus solere curari? quam nos causam cum accepissemus (quid enim facere poteramus?) paulisper stetimus in illo ganearum tuarum nidore, atque fumo: unde tu nos cûm improbissimè respondendo, tum turpisssme è eructando ejecisti. Idem illo ferè biduo productus in concionem ob eo, cui sic æquatum

concluded that they were the same that had brought the news to Rome, and that they could be no other than Castor and Pollux.

Ib. *Proditor templorum.*] Piso had violated no temple, but that of Castor; though he had permitted Clodius to burn the temple of the nymphs with impunity.

44. *Dederas tabulam prærogativæ.*] That is, you had made the power of the magistrate extend to the electing of whom you pleased. For a prerogative was a certain preference; from this circumstance those were called prerogative tribes who were first asked their opinions.

47. *Coram genero meo.*] This was C. Piso Frugi, the son-in-law of Cicero; who tells us that for probity, virtue, modesty, and every accomplishment of a gentleman and fine speaker, he scarce had his equal among all the young noblemen of Rome.

48. *Egere, foris esse Gabinium.*] *Abrahamus* understands these words as refering to the debt in which Gabinius was involved; because debtors frequently conceal themselves, and pretend that they are absent.

49. *Spem habere à Tribuno-plebis.*] Gabinius hoped to obtain a province from the people, through the intercession of P. Clodius the tribune, as he could not otherwise free himself from debt.

50. *A Senatu quidem desperâsse.*] The senate could not deny him a province: for, according to the Roman laws, provinces were to be decreed to the consuls elect.

56. *Cœnum.*] He now exposes the meanness and perfidy of Piso, who had exposed him to the fury of the Clodians. But he calls him *Cœnum*, as if the foulness of his vices was so great, that he appeared not so properly to be filthy as filth itself.

57. *Quintâ fere horâ.*] That is, almost four hours before the usual time; as they were accustomed to sit down to table at the ninth hour, according to that line of Martial.

Imperat extructos frangere nona toros.

Ib. *Cum Pisone.*] C. Piso was called Crassipes: he was the son-in-law of Cicero, and relation of this Piso.

58. *Involuto capite.*] The Romans, when about to engage in dissipation, wrapped up their heads. See *Hor. lib.* 2. *Sat.* 7. *Turpis odoratum caput obscurante lacerna.*

Ib. *Soleatum.*] These were shoes which covered only the soles of the feet, and were bound to the feet by smooth cords: they were chiefly worn by women, not being considered decent for men. However, they were used in these feasts, as they could be more easily laid aside before lying down.

64. *Productus in concionem.*] Piso was

præbebas consulatum tuum, cùm esses interrogatus, quid sentires de consulatu meo: gravis auctor, Calatinus credo aliquis, aut Africanus, aut Maximus, et non Cæsonius Semiplacentinus Calventius, respondes, altero ad frontem sublato, altero ad mentum depresso supercilio, crudelitatem tibi non placere. Hic te ille homo dignissimus tuis laudibus collaudavit. Crudelitatis tu, furcifer, Senatum consul in concione condemnas? non enim me, qui senatui parui; nam delatio illa salutaris et diligens fuerat consulis: animadversio quidem et judicium Senatûs; quæ cum reprehendis, ostendis, qualis tu, si ita fortè accidisset, fueris illo tempore consul futurus; stipendio, mehercule, et frumento Catilinam, esse putasses juvandum; quid enim interfuit inter Catilinam, et eum, cui tu Senatûs auctoritatem, salutem civitatis, totam rempub. provinciæ præmio vendidisti? Quæ enim L. Catilinam conantem consul prohibui, ea P. Clodium facientem consules adjuverunt; voluit ille Senatum interficere, vos sustulistis: leges incendere, vos abrogâstis; interire patriam, vos adjuvistis. Quid est vobis coss. gestum sine armis? incendere illa conjuratorum manus voluit urbem; vos ejus domum, quem propter urbs incensa non est. Ac ne illi quidem, si habuissent vestri similem consulem, de urbis incendio cogitassent; non enim se tectis privare voluerunt: sed his stantibus nullum domicilium sceleri suo fore pûtaverunt; cædem illi

called into the assembly by Clodius, the tribune, that he might give his opinion of the consulship of Cicero.

66. *Calatinus.*] Cicero, in his book de Senect. speaks of the authority of Calatinus, and *Val. Max. lib.* 4. *cap.* 4. of his poverty, whose hands, worn with rustic labour, strengthened the public safety.

Ib. *Africanus.*] C. Carbo asked P. Africanus, returning from Numantia, when he was led almost from the very gate to the forum, what he thought concerning the death of Tib. Gracchus, whose sister he had married; that, by the authority of this illustrious man, he might add fuel to the flame already breaking forth. Africanus answered, that it appeared that he had been slain by right: to which, when they had shouted in disapprobation, he says, "Ye will not cause that I should fear those whom I have brought here bound, when set at liberty. See *Val. lib.* 6. *cap.* 2.

67. *Maximus.*] Q. Fabius Maximus, who, having managed the affairs of the Fabian family in an illustrious manner, obtained the surname of Maximus: he was celebrated for his dictatorship, five consulships, and three triumphs; and, as Cicero says, *lib. de Senect. Cujus non in sententiâ solùm, sed etiam in nutu residebat auctoritas.*

Ib. *Semiplacentinus.*] He calls Piso a Semiplacentine, because his mother was of Placentia; but Calventius, because Calventius, his maternal grandfather, was the common crier of Placentia. He spoke of the family of Piso, in his oration for Sextus.

69. *Crudelitatem.*] As if Cicero had appeared cruel when he slew the conspirators.

Ib. *Ille homo.*] Clodius.

71. *Qui senatui parui.*] The accomplices of the conspiracy of Catiline had been condemned to death by a decree of the senate.

Ib. *Nam delatio.*] Cicero, when consul, had only reported the conspiracy as detected by himself to the senate.

79. *Vos sustulistis.*] When a decree of the senate was made, that the senators should change their garments on Cicero's account, the consuls resisted it. And Gabinius even said, "*Errare homines, si etiam senatum aliquid in republicâ posse arbitrarentur.*"

80. *Vos abrogâstis.*] Gabinius and Piso abrogated the laws when they did not oppose Clodius, who, at his own request, abrogated the Ælian and Fusian law.

82. *Vos ejus domum.*] He burned the house of Cicero, because he detected the counsel of the conspirators who had determined to burn the city.

83. *De urbis incendio cogitassent.*] The accomplices of Catiline in his conspiracy wished to burn the city, that in the confusion it would create they might kill Cicero the consul; of killing whom they never would have thought, if he had managed his consulship like Piso and Gabinius. See *Sallust in Catil. bell.*

84. *Sed his stantibus.*] He does not intend the walls, but the conscript fathers; as if he had said, As long as such senators

civium, vos servitutem expetîstis. His vos etiam crudeliores; huic enim populo ita fuerat ante vos coss. libertas insita, ut emori potiùs quàm servire præstaret.

IV. Illud vero [a] geminum consiliis Catilinæ et Lentuli, quòd me [b] domo meâ expulistis, Cn. Pompeium domum suam compulistis; neque enim, me stante et manente in urbis vigiliâ, neque resistente Cn. Pompeio omnium gentium victore, unquam se illi rempublicam delere posse duxerunt; à me quidem etiam pœnas expetîstis, quibus conjuratorum Manes mortuorum [c] expiaretis: omne odium inclusum nefariis sensibus impiorum in me profudistis: quorum ego furori nisi cessissem, in Catilinæ busto, vobis ducibus, mactatus essem. Quod autem majus indicium exspectatis, nihil inter vos et Catilinam interfuisse, quàm quòd eandem illam manum ex intermortuis Catilinæ reliquiis concitastis? quòd omnes undique perditos collegistis? quòd in me carcerem effudistis? quòd conjuratos armâstis? quòd eorum ferro ac furori meum corpus, atque omnium bonorum vitam objicere voluistis? Sed jam redeo ad præclaram illam concionem tuam. Tu es ille, cui crudelitas displicet? cui cùm Senatus luctum ac dolorem suum vestis mutatione declarandum censuisset, cùm videres mœrere rempublicam amplissimi ordinis luctu, ô noster misericors! quid facis? quod nullâ in barbariâ quisquam tyrannus; omitto enim illud, consulem edicere, ut Senatus senatusconsulto ne obtemperet: quo fœdius nec fieri, nec cogitari quidquam potest: ad misericordiam redeo ejus, cui nimis videtur Senatus in conservandâ patriâ fuisse crudelis. Edicere est ausus cum illo suo pari, quem tamen omnibus vitiis superare cupiebat, ut Senatus, contra quàm ipse censuisset, ad vestitum rediret. Quis hoc fecit ullâ in Scythiâ tyrannus, et eos, quos

a *simillimum.* b *misistis in exilium.* c *placaretis.*

as these shall remain. Thus presently, *me stante et manente.*

1. *Illud verò geminum.*] That is, you have effected something very much like to what Catiline and Lentulus did.

2. *Cn. Pompeium.*] Pompey was obliged to keep himself at home, because one of Clodius' servants had been detected carrying a dagger for the purpose of killing him.

6. *Manes.*] The souls of the dead were called *manes* by the ancients. But Festus says that the gods were called *manes*, because they were supposed to go through all ærial and earthly places: and that this name was given both to the infernal gods and the gods above, because they were thought to support the life of men.

8. *Mactatus essem.*] He alludes to the ancient custom of killing human victims at the funeral piles of the dead.

12. *Carcerem effudistis.*] Servants and wicked men were brought forth from the work-shops to excite seditions.

15. *Senatus luctum.*] When Cicero was reduced to the condition of a criminal, in consequence of one of Clodius' laws, he changed his habit, as was usual in a case of public impeachment, and went about the streets in a mourning gown to excite the compassion of his fellow citizens. The whole body of the knights and the young nobility, to the number of twenty thousand, with young Crassus at their head, changed their habit likewise; and, upon a motion made by the tribune Ninius, that the senate too should change their habit with the rest of the city, it was agreed to instantly by a unanimous vote.

19. *Consulem edicere.*] During the absence of Piso, when the senate was held in the temple of Concordia, the senators having changed their garments, cast themselves at the feet of Gabinius, and besought him to recall Cicero; but their petitions being rejected, M. Mummius reported to the senate on the state of the republic; and the whole senate thought that their garments should be changed for the safety of Cicero. However, the consuls ordered them to resume their ordinary dress.

22. *Suo pari.*] Piso.

24. *Scythiâ.*] The Scythians had no cities or walls, but carried their tents with them; whence Horace calls them *profugi*, wanderers.

luctu afficeret, lugere non sineret? mœrorem relinquis, mœroris aufers insignia: eripis lacrymas, non consolando, sed minando. Quod si vestem non publico consilio Patres Conscripti, sed privato officio aut misericordiâ mutavissent; tamen id iis non licere per [a] interdicta crudelitatis tuæ, potestatis erat non ferendæ. Cùm verò id Senatus frequens censuisset, ordines reliqui jam ante fecissent? tu ex tenebricosâ popinâ consul extractus, cum illâ saltatrice tonsâ Senatum populi Romani occasum atque interitum reipublicæ lugere vetuisti. At quærebat etiam paulò ante de me, quid suo mihi opus fuisset auxilio? cur non meis inimicis, meis copiis, restitissem? quasi verò non modò ego, qui multis sæpè auxilio fuissem, sed quisquam tam inops fuerit unquam, qui, isto non modò propugnatore, tutiorem se, sed advocato aut adstipulatore paratiorem fore putaret. Ego istius pecudis ac putidæ carnis consilio scilicet aut præsidio niti volebam? ab hoc ejecto cadavere quidquam mihi aut opis aut [b] ornamenti exspectabam? Consulem ego tùm requirebam: consulem, inquam, non illum quidem, quem in hoc animali invenire non possem, qui, tantam reipub. causam gravitate et consilio suo tueretur: sed qui, tanquam truncus atque stipes, si stetisset modò, possit sustinere tamen titulum consulatûs. Cùm enim esset omnis causa illa mea consularis et senatoria, auxilio mihi opus fuerat et Consulis, et Senatûs: quorum alterum etiam ad perniciem meam erat à vobis consulibus conversum; alterum reipublicæ penitus ereptum. Ac tamen, si consilium exquiris meum, neque ego cessissem, et me ipsa suo complexu patria tenuisset, si mihi cum illo bustuario gladiatore, et tecum, et cum collegâ tuo decertandum fuisset. Alia enim causa præstantissimi viri Q. Metelli fuit: quem ego civem meo judicio cum deorum immortalium laude con-

a *edicta.* b *gloriæ.*

25. *Mœrorem relinquis.*] Cicero's exile affected the whole republic with the greatest grief.

31. *Illâ saltatrice.*] Gabinius is here meant, who is put in the feminine gender to denote his effeminacy; and is called *saltatrix*, because his joy at Cicero's banishment is said to have made him dance naked at a public entertainment.

Ib. *Tonsâ.*] To be shaven, began a few years before this to be considered among the delicacies of life: the Romans had not practised this for more than 400 years from the foundation of the city.

37. *Advocato.*] It was customary, both in public and private trials, to bring all the friends, by whose authority persons supposed the judges would be moved.

Ib. *Istius pecudis.* He speaks of Piso, from whom he did not seek aid; because, on account of his foolishness, he could do nothing in the republic.

39. *Ejecto cadavere.*] *Ejectum cavader* is properly applied to that, which, being tossed upon the waves, is cast on shore, or to that dead body to which the right of burial is denied, which was the greatest ignominy among the ancients.

44. *Consularis et senatoria,*] Cicero had been consul, and was then a senator.

46. *A consulibus conversum.*] Cicero could not expect aid from the consuls Piso and Gabinius, as they had both declared themselves his enemies.

47. *Ereptum.*] All authority had been taken from the senate by these same consuls: whence Cicero could hope for no aid from it.

48. *Neque ego cessissem.*] Cicero said that he would rather yield to him, than by contending with the consuls Piso and Gabinius, and Clodius, a tribune of the people, expose the republic to seditions.

49. *Bustuario gladiatore.*] He intends Clodius, who, as Dio informs us, *lib.* 39. when the law was passed by the people to recall Cicero, having received from his brother Appius the gladiators which he was about to use in the funeral of his kinsman Marcus, made an attack upon the multitude and wounded and slew many. He was called Bustuarius, from the funera pile where the dead bodies were burned

50. *Alia enim causa.*] He now gives reason why he would not resist Clodius.

Ib. *Q. Metelli.*] Metellus would rathe

jungo: qui C. illi Mario fortissimo viro, et cos. et sextùm Consuli, et ejus invictis legionibus, ne armis confligeret, cedendum esse duxit. Quod mihi igitur certamen esset hujusmodi? cum C. Mario scilicet, aut cum aliquo pari? an cum altero barbato Epicuro, cum altero Catilinæ laternario? quos neque hercule ego, neque supercilium tuum, neque collegæ tui cymbala ac crotalá fugi: neque tam fui timidus, ut qui in maximis turbinibus ac fluctibus reipublicæ navem gubernâssem, salvamque in portu collocâssem, frontis tuæ nubeculam, tum collegæ tui contaminatum spiritum pertimescerem; alios ego vidi ventos, alias prospexi animo procellas, aliis impendentibus tempestatibus non cessi, sed his unum me pro omnium salute obtuli. Itaque discessu tum meo omnes illi nefarii gladii de manibus crudelissimis exciderunt; cùm quidem tu, ô vecors et amens, cùm omnes boni abditi inclusique mœrerent, templa gemerent, tecta ipsa urbis lugerent, complexus es illud funestum animal ex nefariis stupris, ex civili cruore, ex omnium scelerum importunitate et flagitiorum impunitate concretum: atque eodem in templo, eodem et loci vestigio et temporis, arbitria non mei solùm, sed patriæ funeris abstulisti.

V. Quid ego illorum dierum epulas, quid lætitiam et gratulationem tuam, quid cum tuis sordidissimis gregibus intemperantissimas perpotationes prædicem? quis te illis diebus sobrium, quis agentem aliquid quod esset libero dignum, quis denique in publico vidit? cum collegæ tui domus cantu et cymbalis personaret; cùmque ipse nudus in convivio salteret: in quo ne tum quidem, cùm [a] illum suum saltatorium versaret orbem, fortunæ rotam pertimescebat. Hic autem non tam concinnus helluo, nec tam musicus, jacebat in suo Græcorum fœtore atque vino; quod quidem itius, in illis reipublicæ luctibus, quasi aliquod Lapitharum, aut Centaurorum convivium fereba-

a *converteret se in orbem saltando.*

go into exile than swear to the laws of the *Gracchi.*

55. *Cum altero barbato Epicuro.*] Piso, in his outward carriage, affected the mein & garb of a philosopher; being severe in his looks, squalid in his dress, slow in his speech, morose in his manners, the very picture of antiquity, and a pattern of the ancient republic.

56. *Catilinæ laternario.*] He intends Gabinius, who went as the companion of Catiline to midnight adulteries; whence, in his first oration against Catiline, he thus speaks of him: *Cui tu adolescentulo, quem corruptelarum illecebris irretisses, non aut ad audaciam ferrum, aut ad libidinem facem prætulisti?* Elsewhere he calls Catiline the master of Gabinius, and he here seems to allude to the same obscenity. He therefore calls him a lantern bearer, because as masters follow after the boys who carry the lanterns, so Cataline perpetually followed the youth Gabinius as if he was his lantern bearer.

62. *Sed his unum me pro omnium salute obtuli.*] Cicero, in this passage, and in sevral other passages of his orations, makes a merit of having submitted to to a voluntary exile, in order to spare the blood of his fellow-citizens and preserve the public tranquillity; but his veracity in this seems liable to be justly questioned. It is certain he once entertained a design of taking up arms in his own defence; and he is constantly reproaching himself in his letters to Terentia and Atticus during his exile, for not having done it: so that the patriotic motive he so often assigns, appears to be nothing but the plausible colouring of artful eloquence.

66. *Funestum animal.*] He intends Clodius, who had committed incest with his own sisters; and who had, in the garb of a woman, entered the secret places of the goddess Bona, and committed fornication.

69. *Arbitria funeris.*] That was called the price of burial which was paid to the steward of the obsequies, or to those who took care of the funerals.

2. *Sordidissimis gregibus.*] Probably the Epicureans.

10. *Lapitharum.*] The *Lapithæ* were

tur: in quo nemo potest dicere, utrum iste plus biberit, an vomuerit, an effuderit. Tu etiam mentionem facies consulatûs tui? aut te fuisse Romæ consulem dicere audebis? quid? tu in lictoribus, in togâ et prætextâ esse consulatum putas? quæ ornamenta etiam in Sex. Clodio, te Consule, esse voluisti; hujus tu Clodiani canis insignibus consulatum declarari putas? animo consulem esse oportet, consilio, fide, gravitate, vigilantiâ, curâ, toto denique munere consulatûs, omni officio [tuendo, maximèque, id quod vis nominis præscribit, reip. consulendo.] Ego consulem esse putem, qui Senatum esse in republicâ non putavit? et sine eo consilio consulem numerem, sine quo Romæ ne reges quidem esse potuerunt? Etenim illa jam omitto: cùm servorum delectus haberetur in foro, arma in templum Castoris, et luce et palàm comportarentur: id autem templum, sublato aditu, revulsis gradibus, à conjuratorum reliquiis, atque à Catilinæ prævaricatore quondam, tùm ultore, armis teneretur: cùm equites Romani relegarentur, viri boni lapidibus è foro pellerentur; Senatui non solùm juvare rempublicam, sed ne lugere quidem liceret: cùm civis is quem hic ordo, assentiente Italiâ, cunctisque gentibus conservatorem patriæ judicaret, nullo judicio, nullâ lege, nullo more; servitio atque armis, pelleretur, non dicam auxilio vestro, quod verè licet dicere, sed certè silentio: tum Romæ fuisse consules quisquam existimabit? Qui latrones igitur, si quidem vos consules? qui prædones, qui hostes, qui proditores, qui tyranni nominabuntur? Magnum nomen est, magna species, magna dignitas, magna majestas consulis; non capiunt angustiæ pectoris tui, non recipit levitas ista, non egestas animi: non infirmitas ingenii sustinet, non [a] insolentia rerum secundarum tantam personam, tam gravem, tam severam. Seplasia, mehercule, ut dici audiebam, te ut primùm aspexit, Campanum consulem repu-

[a] *novitas.*

people of Thessaly, who inhabited the mounts Pindus and Othys.

Ib. *Centaurorum.*] The Centaurs were a people in Thrace, who first tamed horses. They, when full of wine at the marriage of Peritheus, endeavoured to carry away the bride; but were partly slain, and partly put to flight, by Theseus and the *Lapithæ.*

14. *Quæ ornamenta.*] Piso granted consular ornaments to Sext. Clodius, when he permitted him to exhibit the Compitalitian games.

15. *Clodiani canis.*] He intends Sext. Clodius, who, as a faithful friend, had always adhered to P. Clodius in vexing the republic.

21. *Ne reges quidem esse potuerunt.*] Romulus instituted the senate, composed of a hunded senators, whom he chose as counsellors, to assist him in governing the republic.

Ib. *Servorum delectus.*] It was unlawful to collect the servants to bear arms.

24. *Prævaricatore.*] Clodius was a prevaricator, for he pretended that he would accuse Catiline of extortion, when at the same time he was acquitted, in consequence of the corruption of the judges, by this same Clodius.

25. *Equites Rom. relegarentur.*] He says this sublimely, for Lamia alone, the prince of the equestrian order, was banished when he endeavoured to intercede for Cicero.

29. *Nullâ lege, nullo more.*] The customs of their ancestors among the Romans obtained the force of law.

37. *Seplasia.*] Seplasia was either a street or the village of Capua, where the perfumers traded.

38. *Campanum consulem.*] Cæsar, in his consulship, having sent a colony to Capua, gave the command of it to Pompey and Piso, with the title of Duumvirs. Piso not content with this title, assumed that of consul, so that the sense of the passage is this: You no sooner made your appearance in Capua, than Seplasia, the perfumer's street, conceived so mean an opinion of you, that they thought you unworthy, even of the office of Duumvir.

diavit. Audierat Decios Magios, et de Taureâ illo Jubellio aliquid acceperat: in quibus si moderatio illa, quæ in nostris solet esse consulibus, non fuit; at fuit pompa, fuit species, fuit incessus, saltem Seplasiâ dignus et Capuâ. Gabinium denique si vidissent duumvirum vestri illi unguentarii, [a] citiùs agnovissent; erant illi compti capilli, et madentes cincinnorum fimbriæ, et fluentes cerussatæque buccæ, dignæ Capuâ, sed illâ vetere; nam hæc quidem, quæ nunc est, splendidissimorum hominum, fortissimorum virorum, optimorum civium, mihique amicissimorum multitudine redundat: quorum Capuæ te prætextatum nemo aspexit, qui non gemeret desiderio mei: cujus consilio, cum universam rempublicam, tum illam ipsam urbem meminerant esse servatam; me inauratâ statuâ donarant: me patronum unum adsciverant: à me se habere vitam, fortunas, liberos arbitrabantur: me et præsentem contra latrocinium tuum suis decretis legatisque defenderunt, et absentem, principe Cn. Pompeio referente, et de corpore reipub. tuorum scelerum tela revellente, revocârunt. An tu eras Consul; cùm in Palatio mea domus ardebat, non casu aliquo, sed ignibus injectis, instigante te? Ecquod in hâc urbe majus unquam incendium fuit, cui non Consul subvenerit? At tu illo ipso tempore apud socrum tuam prope à meis ædibus, cujus domum ad meam exhauriendam patefeceras, sedebas, non extinctor, sed auctor incendii; et ardentes faces furiis Clodianis penè ipse Consul ministrabas. An verò reliquo temporè Consulem te quisquam duxit? quisquam tibi paruit? quisquam in curiam venienti adsurrexit? quisquam consulenti respondendum putavit? numerandus est ille annus deni-

[a] *vidissent lubentiùs.*

39. *Decios Magios et Taureâ illo Jubellio.*] These are the names of illustrious Campanians, of whom we find honourable mention made by Livy.

44. *Madentes cincinnorum fimbriæ.*] Gabinius wore his hair curled in an elegant manner, with the tips hanging down, well greased with ointments.

Ib. *Fluentes buccæ.*] The cheeks of Gabinius blubbed out, probably on account of the lisping, which he affected for the sake of greater elegance in his utterance, as *Ovid* 3. *de Arte Amand. says,*

In vitio decor est quædam malè reddere verba:
Discunt posse minùs quàm potuere loqui.

45. *Sed illâ vetere.*] Formerly luxury and vice had greater sway at Capua, than in the time of Cicero.

48. *Prætextatum.*] The *Duumviri,* who were magistrates at Capua, had a right to wear the *prætexta.*

Ib. *Desiderio mei.*] The Campanians wished to have Cicero for a *Duumvir,* instead of Piso.

50. *Inauratâ statuâ.*] The Campanians had given Cicero a golden statue, no doubt for some kindness that they had received from him; but what that was, we are no where told.

Ib. *Patronum.*] By an appointment of Romulus, the plebeians were permitted to choose from among the patricians whoever they pleased to undertake their causes, from which the former were called clients, the latter patrons. This right was afterwards extended to cities, which had patrons at Rome, to defend their causes.

52. *Et præsentem.*] *Abrahamus* thinks that Cicero, when going into exile, went through Capua, and that by the common counsel of the whole city, ambassadors were sent to Rome, to intercede for him.

53. *Absentem.*] When Cicero had gone from Capua into exile, Pompey who was then a *Duumvir* at that place, reported to the Capuan senate, concerning him.

54. *Tuorum scelerum tela.*] This metaphor is taken from wounds, as if some severe wound had been inflicted on the republic by Piso, when he permitted Cicero to go into exile.

58. *Apud socrum tuam.*] It is not known who she was, for the Roman authors seldom mention the names of the women in the families.

62. *Venienti adsurrexit.*] At the approach of the consuls, the knights who met them alighted from their horses, un-

que in republicâ, cùm obmutuisset Senatus, Judicia conticuissent, mœrerent boni, vis latrocinii vestri totâ urbe volitaret, neque civis unus ex civitate, sed ipsa civitas tuo et Gabinii sceleri furorique cessisset? At ne tum quidem emersisti, lutulente Cæsonine, ex miserrimis naturæ tuæ sordibus; cùm experrecta tandem virtus clarissimi viri, celeriter et verum amicum, et optimè meritum civem, et suum pristinum morem requisivit: neque est ille vir passus, in eâ republicâ, quam ipse decorârat atque auxerat, diutiùs vestrorum scelerum pestem morari: cùm tamen ille, qualiscunque est, qui est ab uno te improbitate victus, Gabinius, collegit ipse se vix, sed collegit tamen: et contra suum Clodium primùm simulatè, deinde non libenter; ad extremum tamen pro Cn. Pompeio verè vehementerque pugnavit. Quo quidem in spectaculo mira populi Romani æquitas erat: uter eorum periisset, tanquam lanista, in ejusmodi pari, lucrum fieri putabat: immortalem verò quæstum, si uterque cecidisset. Sed ille tamen agebat aliquid: tuebatur auctoritatem summi viri: erat ipse sceleratus, erat gladiator: cum scelerato tamen, et cum pari gladiatore pugnabat. Tu scilicet homo religiosus et sanctus, fœdus, quod meo sanguine in pactione provinciarum iceras, frangere noluisti; caverat enim sibi ille sororius adulter, ut, si tibi provinciam, si exercitum, si pecuniam ereptam ex reipublicæ visceribus dedisset, omnium suorum scelerum socium te, adjutoremque præberes; itaque in illo tumultu fracti fasces, ictus ipse: quotidie tela, lapides, fugæ: deprehensus denique cum ferro ad Senatem is, quem ad Cn. Pompeium interimendum collocatum fuisse constabat. Et quis audivit non modo actionem aliquam, aut relationem, sed vocem omnino, aut querelam tuam? consulem tu te fuisse putas, cujus in imperio, qui rempublicam Senatûs auctoritate servârat, idemque in Italia, qui omnes omnium gentium partes tribus triumphis devinxerat, is se in publico tutò statuit esse non posse? An tum eratis consules, cùm quacunque de re verbum facere cœperatis, aut referre ad Senatum, cunctus ordo reclamabat, ostendebatque nihil esse vos acturos, nisi prius de me re-

covered their heads, yielded the way, and the inferior magistrates let down their *fasces*.

68. *Cùm experrecta tandem virtus clarissimi viri.*] Pompey is here meant, whose engagements with Cæsar obliged him to suffer Cicero to be driven into exile; to ingratiate himself, however, with the senate and people, and to correct the insolence of Clodius he favoured his return. So insolent indeed was Clodius grown upon his victory over Cicero, that even his friends could not bear him any longer; for, having banished Cicero and sent Cato out of the way, he began to fancy himself a match for Pompey; and, in open defiance of him, seized by stratagem the son of king Tigranes, whom Pompey had brought with him from the East, and kept a prisoner at Rome; and, instead of delivering him up when Pompey demanded him, undertook, for a large sum of money, to give him his liberty and send him home. This affront, which Pompey could not endure, roused him to think of recalling Cicero.

77. *Lanista.*] Cicero here means, that it made no difference to the Roman people whether Clodius or Gabinius had perished in that defence; as equal gain would have followed the death of either of them, and lasting advantage from the death of both of them. He alludes to the fencing masters, who supposed that he had gained something when one of the two gladiators was slain; for thus he was freed from the duty of teaching him.

82. *In pactione provinciarum.*] Clodius, as has been already said, had promised that he would give the province of Macedonia to Piso, and Syria to Gabinius, if they would permit him to send Cicero into exile.

84. *Ex reipub. visceribus.*] He intends the treasury, whence Gabinius had drawn money.

91. *Omnes omnium gentium partes.*] Pompey triumphed over Africa, Europe,

tulissetis? cùm vos, quanquam fœdere obstricti tenebamini, tamen cupere vos diceretis, sed lege impediri? quæ lex privatis hominibus esse lex non videbatur, inusta per servos, incisa per vim, imposita per latrocinium, sublato Senatu, pulsis è foro bonis omnibus, captâ republicâ, contra omnes leges, nullo scripta more: hanc qui se metuere dicerent, consules, non dicam animi hominum, sed fasti ulli ferre possunt? Nam si illam legem non putabatis, quæ erat contra omnes leges, indemnati civis, atque integri capitis, bonorumque tribunitia proscriptio; hâc tamen obstricti pactione tenebamini: quis vos non modò consules, sed liberos fuisse putet, quorum mens fuerit oppressa præmio, lingua adstricta mercede? sin illam vos soli legem putabatis, quisquam vos consules tunc fuisse, aut nunc esse consulares putet, qui ejus civitatis, in quâ in principum numero vultis esse, non leges, non instituta, non mores, non jura nôritis?

SECUNDA PARS.

Piso nefariè provinciam suam administravit.

VI. An, cùm proficiscebamini paludati in provincias vel emptas, vel ereptas, consules vos quisquam putavit? Itaque credo, si minùs frequentiâ suâ vestrum egressum ornando, atque [a] celebrando; at ominibus saltem bonis, ut consules, non tristissimis, ut hostes, aut proditores prosequebantur. Tu ne etiam immanissimum ac fœdissimum monstrum, ausus es meum discessum illum, testem sceleris et crudelitatis tuæ, maledicti et contumeliæ loco ponere? Quo quidem tempore cepi, P. C. fructum immortalem vestri in me et amoris, et [b] judicii; qui non admurmuratione, sed voce et clamore, abjecti hominis et semivivi furorem petulantiamque fregistis. Tu luctum Senatûs, tu desiderium equestris ordinis, tu squalorem Italiæ, tu curiæ

a *frequentando atque honestando.* b *æstimationis.*

and Asia. See Pliny, *lib.* 8. *cap.* 16.

96. *Fœdere obstricti.*] The consuls were bound by a private agreement to favour Clodius in casting out Cicero.

100. *Nullo scripta more.*] It was customary to write out a law which the tribunes wished to pass, and propose it to the people twenty-seven days previous to its becoming a law.

103. *Integri capitis.*] That person was called *integrum caput* in law who was not lowered in his rank; for, when any one was removed from his order in which he had obtained his liberty, was said to be *diminutus capite.*

1. *Paludati.*] It was usual for magistrates who were sent into the provinces by a decree of the senate, to go and pay their devotions in the capitol for the republic. After which, habited in a *paludamentum*, with their lictors and other ensigns of authority, they went directly to the gate of the city; at which they were saluted, according to ancient custom. Thence they were followed for a short distance by their friends, and, having received their good wishes, entered their provinces. The *paludimentum* was a robe of purple or scarlet interwoven with gold, with which the consuls and prætors were clothed when going to the provinces.

Ib. *Vel emptas.*] See note *ad lin.* 82, *paragra.* 5.

2. *Vel ereptas.*] These provinces had been taken from the senate, because they had not been decreed to these consuls so much by the authority of the senate as through the dishonesty of Clodius.

4. *Ominibus bonis.*] The citizens and friends usually prayed all prosperity to the consuls going into the provinces. But so far were the people from following these persons with prayers for their prosperity, as if good consuls, that they imprecated curses upon them, as if the enemies and betrayers of the republic.

10. *Luctum Senatûs*] The senators thought they should change their garments on account of Cicero's exile, as is done in mourning.

11. *Desiderium equestris ordinis.*] Al-

taciturnitatem annuam, tu silentium perpetuum judiciorum ac fori, tu cætera illa in maledicti loco pones, quæ meus discessus reipublicæ vulnera inflixit? qui si calamitosissimus fuisset, tamen misericordiâ dignior, quàm contumeliâ; et cum gloriâ potiùs esse conjunctus, quàm cum probro putaretur: atque ille, dolor meus duntaxat, vestrum quidem scelus ac dedecus haberetur. Cùm vero (forsitan hoc quod dicturus sum, mirabile auditu esse videatur; sed certè id dicam, quod sentio) cùm tantis à vobis, P C. beneficiis affectus sim, tantis honoribus; non modò illam calamitatem esse non duco: sed, si quid mihi potest à repub. esse sejunctum, quod vix potest, privatim ad meum nomen augendum, optandam duco mihi fuisse illam expetendamque fortunam. Atque ut tuum lætissimum diem cum tristissimo meo conferam, utrum tandem bono viro et sapienti optabilius putas, sic exire è patriâ, ut omnes sui cives salutem, incolumitatem, reditum precentur, quod mihi accidit: an, quod tibi profisciscenti evenit, ut omnes execrarentur, malè precarentur, unam tibi illam viam, et perpetuam esse vellent? mihi, medius-fidiùs, in tanto omnium mortalium odio, justo præsertim et debito, quævis fuga, quàm ulla provincia esset optatior. Sed perge porrò: nam si illud meum turbulentissimum tempus profectionis tuo tranquilissimo præstat, quid conferam reliqua, quæ in te dedecoris plena fuerunt, in me dignitatis? Me Kalendis Januar. qui dies, post obitum occasumque nostrum, reipublicæ primus illuxit, frequentissimus Senatus, concursu Italiæ, referente clarissimo atque fortissimo viro P. Lentulo, consentiente populo Romano, atque unâ voce revocavit; me idem Senatus exteris nationibus, me legatis magistratibusque nostris auctoritate suâ, consularibus literis, non, ut tu Insuber dicere ausus es, orbatum patriâ, sed ut Senatus illo ipso tempore appellavit, civem conservatorem reipublicæ commendavit; ad meam unius salutem Senatus auxilium omnium civium cunctâ ex Italiâ, qui rempub. salvam esse vellent, Consulis voce et literis implorandum putavit; mei capitis servandi causâ Romam uno tempore, quasi signo dato, Italia tota convenit; de meâ salute, P. Lentuli, præstantissimi viri, atque optimi Consulis, Cn. Pompeii, clarissimi atque invictissimi civis, cæterorumque principum civitatis, celeberrimæ et gratissimæ conciones fuerunt;

most the whole equestrian order changed their dress with Cicero.

Ib. *Curiæ taciturnitatem.*] The senate determined to pass no decrees until Cicero was recalled.

13. *Cætera illa*, &c.] That is, all those wounds which my departure inflicted; for all those things were wounds, which came upon the republic in consequence of the departure of Cicero.

28. *Medius-fidiùs.*] See *Orat.* for *Milo. parag.* 16. *not. ad lin.* 9.

33. *Kalendis Jan.*] P. Lentulus, after the auspices were taken, gave it as his opinion, that no ordinary business should be attended to, previous to the return of Cicero.

Ib. *Post obitum occasumque nostrum.*] Cicero, who embraces every opportunity of displaying his own importance, represents himself in this passage, as a bright luminary of the state, which, during his exile, was involved in darkness.

34. *Frequentissimus Senatus.*] There were four hundred and ten senators present, when it was determined to recall Cicero, who all voted for his return.

36. *Exteris nationibus.*] Plutarch, in his life of Cicero, says that the senate decreed thanks to those foreign cities which received him during his exile.

43. *Quasi signo dato.*] He seems to allude to a custom, among the Roman people, of hanging flags from the capitol, during the great commotions of the republic. One was purple; by it the foot soldiers were called in; and the other was green; by which the horsemen were

de me Senatus ita decrevit, Cn. Pompeio auctore et ejus sententiæ principe, UT, SI QUIS IMPEDISSET REDITUM MEUM, IN HOSTIUM NUMERO PUTARETUR: iisque verbis ea de me Senatûs auctoritas declarata est, ut nemini sit triumphus honorificentiùs, quàm mihi salus restitutioque [a] perscripta. De me, cùm omnes magistratus promulgassent, præter unum Prætorem, à quo [b] non fuit postulandum, fratrem inimici mei, præterque duos de lapide emptos tribunos-plebis, legem comitiis centuriatis tulit P. Lentulus Consul de collegæ Q. Metelli sententiâ: quem mecum eadem respublica. quæ in tribunatu ejus disjunxerat, in consulatu virtute optimi ac justissimi viri, sapientiâque conjunxit. Quæ lex quemadmodum accepta sit, quid me attinet dicere? ex vobis audio, nemini civi ullam, quo minùs adesset, satis justam excusationem esse visam: nullis comitiis unquam, neque multitudinem hominum tantam, neque splendidiorem fuisse; hoc certè video, quod indicant tabulæ publicæ, vos rogatores, vos diribitores, vos custodes fuisse tabularum: et, quòd in honoribus vestrorum propinquorum non facitis, vel ætatis excusatione, vel honoris, id in salute meâ, nullo rogante, vos vestrâ sponte fecistis.

VII. Confer nunc, Epicure noster, ex harâ producte, non ex scholâ, confer, si audes, absentiam tuam cum meâ. Obtinuisti provinciam consularem finibus iis, quos lex cupiditatis tuæ, non quos lex generi tui pepigerat: nam lege Cæsaris justissimâ atque optimâ, populi

a *decreta.*

b *nihil fuit sperandum.*

called from the fields, and adjacent places.

Ib. *Italia tota convenit.*] The senate decreed that thanks should be given to those who had assembled from all parts of Italy, to consult for the safety of Cicero.

47. *Sententiæ principe.*] Pompey thought that Cicero should be recalled, both by the authority of the senate and people.

51. *Omnes Magistratus promulgassent.*] To promulgate, is nothing more than to propose a law to be publicly read to the people, for the space of twenty-seven days; this duty belonged to the prætors and tribunes.

52. *Unum Prætorem.*] Appius Clodius, the brother of Publius.

53. *Præterque duos.*] These tribunes were Sex. Attilius, Serranus, and Num. Quinctius: *de lapide emptos*, is said in allusion to the manner of selling slaves.

54. *Comitiis centuriatis.*] The *comitia centuriata*, were those in which the people, divided into centuries, according to their census and age, gave their votes.

55. *Q. Metelli.*] This Metellus, the kinsman of Clodius, when he was tribune, reported a law to recall Pompey with his army to Italy; this was opposed by Cicero, the consul: hence they became enemies.

56. *Virtute optimi.*] Publius Servilius reconciled Metellus to Cicero, as yet in exile.

57. *Quæ lex.*] The law reported by P. Lentulus for his return; of this he spoke at large in his oration for Sextius.

59. *Nullis comitiis unquam.*] It appears from his oration for his house, that in no *comitia* had the campus Martius ever shone with so great celebrity and so great splendour of men, of every kind, age, and rank.

61. *Tabulæ publicæ.*] Whatever was done in the *comitia* was recorded in the tablets, which were kept as instruments of the public faith.

Ib. *Vos rogatores.*] Those who requested the return of Cicero.

62. *Custodes.*] These custodes were persons who watched every action, to see that there was no fraud committed in the distribution of the votes.

1. *Confer nunc.*] He now compares his exile with the absence of Piso.

Ib *Ex harâ producte.*] This is a proverbial figure, to denote any thing unlearned.

2. *Provinciam.*] That was called a consular province, of which the government was decreed to a consul.

3. *Generi tui.*] Cæsar had married Calpurnia, the daughter of Piso.

4. *Populi liberi.*] The law here referred to, was that made by Cæsar in his consulship, in the year of Rome 694, whereby Achaia, Thessaly, and all Greece were left entirely free.

liberi, planè et verè erant liberi: lege autem eâ, quam nemo legem, præter te et collegam tuum, putavit, omnis erat tibi Achaia, Thessalia, Athenæ, cuncta Græcia addicta; habebas exercitum tantum, quantum tibi non Senatus, aut populus Romanus dederat, sed quantum tua libido conscripserat: ærarium exhauseras. Quas res. gessisti imperio, exercitu, provinciâ consulari? quas res gesserit, quæro? qui ut venit statim, nondum commemoro rapinas, nondum exactas pecunias, non captas, non imperatas, non neces sociorum, non cædem hospitum, non perfidiam, non immanitatem, non scelera prædico: mox, si videbitur, ut cum fure, ut cum sacrilego, ut cum sicario disputabo: nunc meam spoliatam fortunam conferam cum florente fortunâ imperatoris; quis unquam provinciam cum exercitu obtinuit, qui nullas ad Senatum literas miserit? tantam vero provinciam cum tanto exercitu, Macedoniam præsertim, quam tantæ barbarorum gentes attingunt, ut semper Macedonicis imperatoribus iidem fines provinciæ fuerint, qui gladiorum atque pilorum; ex quâ aliquot prætorio imperio, consulari quidem nemo rediit, qui [a] incolumis fuerit, qui non triumpharit? est hoc novum: multo illud magis; appellatus est hic vulturius illius provinciæ (si diis placet) Imperator; ne tum quidem, Paulle noster, tabulas Romam cum laureâ mittere audebas? misi, inquit; quis unquam recitavit? quis, ut recitarentur, postulavit? nihil enim mea jam refert, utrum tu, conscientiâ oppressus scelerum tuorum, nihil unquam ausus sis scribere ad eum ordinem, quem despexeras, quem afflixeras, quem deleveras: an amici tui tabulas abdiderint, iidemque silentio suo temeritatem atque audaciam tuam condemnarint. Atque haud scio, an malim te videri nullo pudore fuisse in literis mittendis, [an] amicos tuos plus hubuisse et pudoris et consilii, quàm aut te videri pudentiorem fuisse, quàm soles, aut tuum factum non esse condemnatum judicio amicorum. Quòd si non tuis nefariis

[a] *illæsâ dignitate.*

5. *Lege autem eâ.*] Clodius, the tribune of the people, passed a law that Syria, Babylon, and Persia should be given to Gabinus, and that Macedonia, Achaia, Thessaly, Greece, and all Bœotia should be given to Piso with proconsular authority, and that money should be given them from the treasury, for the support of the armies which they were about to take with them into these provinces.

10. *Imperio.*] *Imperium* was the right of having an army, of carrying on war, and of managing all the concerns of war.

12. *Non neces sociorum.*] Piso beheaded Rabocentus, a prince of the Bessic nation, that had been sold to king Cottus with the other ambassadors, for three hundred talents.

18. *Barbarorum gentes attingunt.*] The Thracians are south of Macedonia, and are, according to Herodotus, the most numerous people next to the Indians; and according to Thucydides, by far the most given to murder,

20. *Qui gladiorum atque pilorum.*] He intends to show that Macedonia, from the time that the Roman generals were sent to it, had no bounds but what were given by their arms.

22. *Vulturius.*] Cicero calls Piso by the envious name of a Vulture, as if he had been the plunderer of his province.

23. *Si diis placet.*] Irony.

24. *Paulle noster.*] L. Œmilius Paullus obtained a complete victory over Macedonia in the year of Rome 585; and as Piso had Macedonia for his province, and conducted himself in it so ingloriously Cicero, by way of derision, calls him Paullus.

27. *Ad eum ordinem.*] To the senate.

28. *Tabulas abdiderint.*] Letters were sent to his friends, which were either hid or sent to the senate, as seemed good.

30. *Atque haud scio, an malim.*] Thus the sense of this oration is explained by a dilemma: your letters were either sent, or they were not, if sent, it was necessary that many should condemn them, if they were not sent, a consciousness of your guilt was the cause. Therefore the crime

in hunc ordinem contumeliis in perpetuum [a] tibi curiam præclusisses; quid tandem erat actum, aut gestum in illâ provinciâ, de quo ad Senatum cum gratulatione aliquâ scribi abs te oporteret? vexatio Macedoniæ? an oppidorum turpis amissio? an sociorum direptio? an agrorum depopulatio? an munitio Thessalonicæ? an obsessio militaris viæ? an exercitûs nostri interitus, ferro, fame, frigore, pestilentiâ? Tu vero, qui ad Senatum nihil scripseris, ut in urbe nequior inventus es, quàm Gabinius, sic in provinciâ paulò tamen quàm ille demissior; nam ille gurges atque heluo, natus abdomini suo, non laudi atque gloriæ, cùm equites Rom. in provinciâ, cùm publicanos nobiscum et voluntate et dignitate conjunctos, omnes fortunis multos famâ vitâque privâsset; cùm egisset aliud nihil illo exercitu, nisi ut urbes depopularetur, agros vastaret, exhauriret domos; ausus est (quid enim ille non auderet?) à Senatu supplicationem per literas postulare. O dii immortales! tu-ne etiam, atque adeo vos, geminæ voragines scopulique reipublicæ, vos meam fortunam deprimitis? vestram extollitis? cùm de me ea senatusconsulta absente facta sint, eæ conciones habitæ, is motus fuerit municipiorum, et coloniarum omnium, ea dereta publicanorum, ea collegiorum, ea denique generum ordinumque omnium, quæ ego non modò optare nunquam auderem, sed cogitare non possem: vos autem sempiternas fœdissimæ turpitudinis notas subieritis. An ego, si te et Gabinium cruci suffixos viderem, majore afficerer lætitiâ ex corporis vestri laceratione, quàm afficior ex fama? nullum est supplicium putandum, quo affici casu aliquo etiam boni viri fortesque possunt. Atque hoc quidem etiam isti tui dicunt voluptarii Græci: quos utinam ita audires, ut erant audiendi: nunquam te in tot flagitia ingurgitâsses; verùm audis in præsepibus, audis in stupris, audis in cibo et vino; sed dicunt ipsi, qui mala dolore, bona voluptate definiunt, sapientem, etiam si in Phalaridis tauro inclusus succensis ignibus torreatur, dicturum tamen suave illud esse, seseque ne tantulum quidem commoveri, tantam virtutis esse vim voluerunt, ut non posset unquam esse vir bonus non beatus: quæ est igitur pœna? quod supplicium? id, meâ sententia, quod accidere nemini potest, nisi nocenti; suscepta fraus, impedita et oppressa mens conscientiâ, bono-

[a] *alienâsses à te Senatum.*

is the same, you were either impudent in sending, or shamefaced in suppressing the letters.

38. *Thessalonicæ.*] See the oration on the consular provinces.

42. *Natus abdomini suo.*] They are said to be born for their bellies who, entangled with pleasures, give themselves up to every kind of sensuality.

43. *Publicanos.*] They were called publicans who purchased the taxes of the Roman people from the censors with ready money, and afterwards collected it for themselves. The publicans were of the equestrian order.

Ib. *Nobiscum et voluntate et dignitate conjunctos.*] Cicero reconciled the publicans to the senators.

47. *Supplicationem.*] Public prayers made on his behalf to the immortal gods, because the affairs of the public had been managed by him.

51. *Municipiorum.*] Those persons were called *Municipia*, who, when they came to Rome, though they were not Roman citizens, were partakers in all offices with Romans, except voting and executing a magistracy.

58. *Voluptarii Græci.*] He intends the Epicurean philosophers, who placed the chief good in pleasure.

62. *Phalaridis tauro.*] Phalaris, the tyrant of Agrigentum, as a new mode of punishment burned the guilty in a brazen bull, which a certain Perillus had made for him.

67. *Suscepta fraus.*] *Suscipere fraudem*, is to conceive of any wickedness in the

rum odium, nota inusta à Senatu, amissio dignitatis. Nec mihi ille M. Regulus, quem Carthaginienses, resectis palpebris, illigatum in machinâ vigilando necaverunt, supplicio videtur affectus: nec C. Marius, quem Italia servata ab illo, demersum in Minturnensium paludibus; Africa devicta ab eodem, expulsum et naufrâgum vidit; fortunæ enim ista tela sunt, non culpæ: supplicium autem est pœna pecati; neque verò ego si unquam vobis mala precarer, quod sæpe feci, in quo dii immortales meas preces audiverunt, morbum, aut mortem, aut cruciatum precarer. Thyestea ista execratio est poëtæ, vulgi animos, non sapientum moventis: *Ut tu naufragio expulsus, uspiam saxis fixus asperis, Evisceratus latere penderes* [ut ait ille] *saxa spargens tabo, Sanie et sanguine atro.*

VIII. Non ferrem omnio molestè, si ita accidisset: sed id tamen [a] esset humanum. M. Marcellus, qui ter Consul fuit, summâ virtute, pietate, gloriâ millitari, periit in mari: qui tamen ob virtutem gloriâ et laude vivit; in fortunâ quâdam est illa mors, non in pœnâ, putanda. Quæ est igitur pœna? quod supplicium? quæ saxa? quæ cruces? Ecce duos duces in provinciis populi Rom. habere exercitus, appellari imperatores; horum alterum sic fuisse infirmatum conscientiâ scelerum et fraudum suarum, ut ex eâ provinciâ, quæ fuerit ex omnibus una maximè triumphalis, nullas sit ad Senatum literas mittere ausus; ex quâ provinciâ modò vir omni dignitate ornatissimus L. Torquatus, magnis rebus gestis, me referente, absens imperator est appellatus: unde his paucis annis Cn. Dolabellæ, C. Curionis, M. Luculli justissimos triumphos vidimus, ex eâ, te imperatore, nuncius ad Senatem allatus est nullus: ab altero allatæ literae, recitatæ, relatum

a *possit accidere* omnibus *hominibus*.

mind which is worthy of punishment.

68. *Nota inusta.*] A mark of infamy.

69. *M. Regulus.*] M. Regulus being taken by the Carthagenians, was sent as an ambassador to Rome to treat of the exchange of prisoners, with a promise that he would return if he did not succeed. He in a speech dissuaded the senate from making any exchange; and, notwithstanding the entreaties of his wife and children, returned to Carthage, where he was thrown into a chest full of sharp nails, and thus perished.

70. *C. Marius.*] Marius was seven times consul, had often freed the public from great commotions, and, at last, that he might avoid the fury of the victorious Sylla, hastened his own death.

71. *Demersum.*] When Marius fled from Sylla, he hid himself in the Minturnensian marshes to escape death.

72. *Africa.*] When in Africa, Marius spent his life in a cottage made in the ruins of Carthage.

76. *Thyestea.*] Thyestes was the son of Pelops.

2. *M. Marcellus.*] This was not the famous Marcellus who conquered Syracuse, but his grandson, who was shipwrecked in Africa soon after the beginning of the third Punic war.

5. *Quæ saxa.*] Freemen, who had been guilty of any noted crime, were sometimes thrown from the rock Tarpeia.

Ib. *Quæ cruces.*] Crosses were used in the punishment of servants.

6. *Duos duces.*] Gabinius and Piso.

11. *Me referente.*] When Cicero was consul, he reported a law to the senate that Torquatus should be adorned with the title of imperator, which he had already received from the army.

12. *Cn. Dolabellæ.*] Cn. Dolabella was proconsul in Asia.

Ib. *C. Curionis.*] C. Curio was the son of Curio the tribune; he also adhered to the party of Cæsar, and was noted for his audacity and luxury.

Ib. *M. Luculli.*] M. Lucullus triumphed over Macedonia.

13. *Justissimos triumphos.*] That any one might have a just triumph, it was requisite, 1. That he had managed the affairs well in his province. 2. That he had increased the empire, and not simply recovered a part that had been lost. 3. That he had slain at least five thousand of the enemy. 4. That this victory be be over enemies and not citizens.

14. *Ab altero.*] Gabinius.

ad Senatum. Dii immortales! idne ego optarem, ut inimicus meus, eâ, quâ nemo unquam, ignominiâ notaretur? ut Senatus is, qui in eam jam benignitatis consuetudinem venit, ut eos, qui bene rempublicam gesserint, novis honoribus afficiat, et numero dierum, et genere verborum; hujus unius literis nunciantibus non crederet? postulantibus denegaret? His ego rebus pascor, his delector, his perfruor: quòd de vobis hic ordo opinatur non secus, ac de teterrimis hostibus: quòd vos equites Rom. quòd cæteri ordines, quòd cuncta civitas odit: quòd nemo bonus, nemo denique civis est, qui modò se civem esse meminerit, qui vos non oculis fugiat, auribus respuat, animo aspernetur, recordatione denique ipsâ consulatûs vestri perhorrescat. Hæc ego semper de vobis expetivi, hæc optavi, hæc precatus sum; plura etiam acciderunt quàm vellem; nam ut amitteretis exercitum, nunquam, mehercule, optavi. Illud etiam accidit præter optatum meum, sed valdè ex voluntate; mihi enim non venerat in mentem, furorem et insaniam optare vobis, in quam incidistis: atqui fuit optandum; me tamen fugerat, deorum immortalium has esse in impios et consceleratos pœnas certissimas constitutas. Nolite enim putare, P. C. ut in scenâ videtis, homines consceleratos impulsu deorum terreri Furiarum tædis ardentibus: sua quemque fraus, suum facinus, suum scelus, sua audacia de sanitate ac mente deturbat; hæ sunt impiorum Furiæ, hæ flammæ, hæ faces. Ego te non vecordem, non furiosum, non mente captum, non tragico illo Oreste, aut Athamante dementiorem putem, qui sis ausus primùm facere (nam id est [a] caput,) deinde paulò ante, Torquato, gravissimo et sanctissimo viro [b] premente confiteri, te provinciam Macedoniam, in quam tantum exercitum transportasses, sine ullo milite reliquisse? Mitto de amissâ maximâ parte exercitûs: sit hoc infelicitatis tuæ; dimittendi verò exercitûs quam potes afferre causam? quam potestatem habuisti? quam legem? quod senatusconsultum? quod jus? quod exemplum? quid est aliud furere, nisi non cognoscere homines, non cognoscere leges, non Senatum, non civitatem? cruentare corpus suum? leve est. Major hæc est vitæ, famæ, salutis suæ vulneratio; si familiam tuam dimisisses, quod ad neminem, nisi ad ipsum te pertineret, amici te tui constringendum putarent; præsidium tu reipublicæ, custodiam provinciæ,

a *præcipuum.* b *urgente.*

18. *Et numero dierum.*] At first, the thanksgivings at the shrines of the gods were only for one day; afterwards for two, three, four, five, and more, even to fifty.

19. *Hujus unius.*] Gabinius.

37. *Oreste atque Athamante.*] Orestes was the son of Agamemnon and Clytemnestra. He is said to have killed his own mother, and Ægisthus her adulterer, who had murdered his father. Athamas was the son of Æolus, and king of Thessaly; he had two children by his wife Nephele, after whose death he married Ino the daughter of Cadmus, who treated her step-children so ill that Juno, to punish her, made her husband run mad.

38. *Primùm facere.*] Piso first sent away his army, and left the province of Macedonia without any defence.

46. *Cruentare.*] He says that he indeed is mad who stains his body with blood, but that he is more mad who rages against his own fame.

47. *Familiam dimisisses.*] He says, if it was madness to send away the servants, it was far more so to dismiss the whole army.

48. *Constringendum.*] There should have been an injunction of the prætor on the goods of Piso, and a guard set over himself, according to the opinion of his friends.

injussu populi senatûsque dimisisses, si tuæ mentis compos fuisses? Ecce tibi alter, effusâ jam maximâ prædâ quam ex fortunis publicanorum, ex agris urbibusque sociorum exhauserat, cùm partim ejus prædæ profundæ libidines devorassent, partiam nova quædam et inaudita luxuries, partim etiam in illis locis, ubi omnia diripuit, emptiones, partim permutationes, ad hunc Tusculani montem extruendum, cùm jam egeret, cùm illa ejus immensa et intolerabilis ædificatio constitisset; seipsum, fasces suos, exercitum populi Romani, numen [a] interdictumque deorum immortalium, responsa sacerdotum, auctoritatem Senatûs, jussa populi, nomen ac dignitatem imperii regi Ægyptio vendidit; cùm fines provinciæ tantos haberet, quantos voluerat, quantos optaverat, quantos mei capitis pretio periculoque emerat; his se tenere non potuit: exercitum eduxit ex Syriâ; quî licuit extra provinciam? tribuit se mercenarium comitem regi Alexandrino; quid hoc turpius? in Ægyptum venit: [b] signa contulit cum Alexandrinis: quando hoc bellum, aut hic ordo, aut populus susceperat? cepit Alexandriam; quid aliud expectamus à furore ejus, nisi ut ad Senatum tantis de rebus gestis literas mittat? hic si mentis esset [c] suæ, nisi pœnas patriæ diisque immortalibus eas, quæ gravissimæ sunt, furore atque insaniâ penderet; ausus esset (mitto exire de provinciâ) educere exercitum, bellum suâ sponte gerere, in regnum injussu populi aut Senatûs accedere? quæ cùm plurimæ leges veteres, tum lex Cornelia majestatis, Julia de pecuniis repetundis planissimè vetant; sed hæc omitto. Ille, si non acerrimè fureret, [d] auderet, quam Provinciam P. Lentulus, amicissimus huic ordini, cum et auctoritate Senatûs, et sorte haberet, interpositâ religione, sine ullâ dubitatione

a *prohibitionem.* b *dimicavit.* c *compos mentis.*
d *auderet sumere sibi provinciam, quam Lentulus,* &c.

51. *Ecce tibi alter.*] He now attacks Gabinius, who seemed to have been taken with another kind of madness, in squandering money to gratify his passions.

52. *Partim ejus prædæ.*] He means that these moneys were partly spent in the gratification of the senses, &c. *Partim* is often put with the genitive.

55. *Ad hunc Tusculani montem.*] Gabinius built a villa in the Tusculan field, which was so high that it had more the appearance of another mountain than a villa.

57. *Numen interdictumque deorum.*] It was written in the Sybilline oracles, that an army should not be sent to assist the king of Egypt.

58. *Responsa sacerdotum.*] Cicero seems here to intend those priests or *Aruspices*, who, according to the answers of the oracle, were conculted concerning that thing.

59. *Regi Ægyptio.*] Ptolemy, being driven out of his kingdom by his own subjects, on account of his tyrannical government, went to Rome to beg the assistance of the senate. This was denied. Gabinius, however, tempted by Ptolemy's gold and the plunder of Egypt, and encouraged also, as some authors say, by Pompey himself, undertook to set him on the throne with his Syrian army, at his command.

62. *Quî licuit extra provinciam.*] It was not lawful for the proconsuls to be out of their provinces.

71. *Lex Cornelia Majestatis.*] This law, the author of which was L. Cornelius Sylla, made it treason to lead an army out of a province without special orders, or to endeavour to ingratiate one's self so with the army, as to make it ready to serve his particular interest, and assigned the punishment of *aquæ et ignis interdictio* to all that should be convicted of any of these crimes.

72. *Julia de pecuniis.*] Caius Julius Cæsar passed a law that it should not be lawful for any one, who was in a province with power or authority, to accept of money for any purpose, except to build a temple or monument.

74. *Lentulus.*] Lentulus Spinther, having obtained the province of Cicily, was ordered to lead Ptolemy back to Egypt, which was nigh to Cicily.

75. *Sine ullâ dubitatione deposuisset.*] When Lentulus heard that the Sybilline

deposuisset, eam sibi tum adsciscere; cum, etiamsi religio non impediret, mos majorum tamen, et exempla, et gravissimæ legum pœnæ vetarent?

De reditu Ciceronis et Pisonis.

IX. Sed quoniam fortunarum [a] contentionem facere cœpimus, de reditu Gabinii omittamus: quem etsi sibi ipse præcidit, ego tamen, [b] os ut videam hominis, expecto. Tuum, si placet, reditum cum meo conferamus. At meus quidem is fuit, ut à Brundusio usque Romam agmen perpetuum totius Italiæ viderem; neque enim regio fuit ulla, neque municipium, neque præfectura, aut colonia, ex quâ non publicè ad me venerint gratulatum. Quid dicam adventus meos? quid effusiones hominum ex oppidis? quid concursum ex agris patrum-familias cum conjugibus ac liberis? quid eos dies, qui, quasi deorum immortalium festi atque solemnes, sunt apud omnes adventu meo redituque celebrati? unus ille dies mihi quidem immortalitatis instar fuit, quo in patriam redii; cùm Senatum egressum vidi, populumque Romanum universum; cùm mihi ipsa Roma propè convulsa sedibus suis ad complectendum conservatorem suum progredi visa est; quæ me ita accepit, ut non modò omnium generum, ætatum, ordinum omnes viri ac mulieres, omnis fortunæ ac loci: sed etiam mœnia ipsa viderentur, et tecta urbis, ac templa lætari. Me consequentibus diebus in eâ ipsâ domo, quâ tu me expuleras, quam expilâras, quam incenderas, pontifices, consules, patres conscripti collocaverunt: mihique, quod ante me nemini, pecuniâ publicâ ædificandam domum censuerunt. Habes reditum meum: confer nunc vicissim tuum: quandoquidem, amisso exercitu, nihil incolume domum, præter os illud pristinum tuum retulisti? qui primùm, quâ veneris cum laureatis tuis lictoribus, quis scit? quos tu Mæandros, dum omnes solitudines persequeris, quæ diverticula flexionesque quæsisti? quod te municipium vidit? quis amicus invitavit? quis hospes adspexit? non-ne tibi nox erat pro die? non solitudo pro frequentiâ? caupona pro oppido? non ut redire ex Macedoniâ nobilis imperator, sed ut mortuus infamis referri videretur? Romam verò ipsam fœdavit adventus tuus. O familiæ non dicam Calphurniæ, sed Calventiæ; neque hujus urbis, sed Pla-

a *comparationem.* b *impudentiam.*

oracles forbade the Romans to restore any Egyptian king to his kingdom, he refused that office.

4. *Brundusio.*] Brundusium was a city of Calabria, situated on the Adriatic sea. The Appian way extended to this place, which was celebrated as the harbour whence the Romans most commonly passed over into Greece.

6. *Municipium.*] See note *ad lin.* 51. *paragra.* 7.

Ib. *Præfectura.*] Those towns were called *præfecturæ* whose inhabitants were Roman citizens. They differed from the free towns in this, that they did not use their own laws, and could not have a magistrate from their own body as the colonies had, but were governed by the Roman laws and by magistrates sent annually from Rome: these magistrates were called præfects, whence the name *præfecturæ* or *præfectorships.*

Ib. *Colonia.*] The colonies were towns or districts inhabited by Roman citizens.

12. *Senatum egressum.*] The senate came forth to meet them triumphing.

19. *Quod ante me nemini.*] Cicero's house having been plundered, and burnt, was rebuilt at the public expense.

23. *Laureatis tuis lictoribus.*] When the commander of an army had obtained a victory, by a vote of the army, the *fasces* wrapt with laurel, were carried before him, by the lictors.

30. *Calphurniæ.*] The Calphurnians, although plebeians, were descended from

centini municipii; neque paterni generis, sed braccatæ cognationis dedecus! quemadmodum venisti? quis tibi, non dicam horum, aut civium cæterorum, sed tuorum legatorum obviam venit? mecum enim tum L. Flaccus, vir tuâ legatione indignissimus, atque iis consiliis, quibus mecum in consulatu meo conjunctus fuit, ad conservandam rempublicam dignior, mecum fuit tum, cùm te quidam non longè à portâ cum lictoribus errantem visum esse narraret. Scio item virum fortem in primis, belli, ac rei militaris peritum, familiarem meum, Q. Marcium, quorum tu legatorum prælio imperator appellatus eras, cùm non longè abfuisses, adventu isto tuo domi fuisse otiosum. Sed quid ego enumero, qui tibi obviàm non venerint? qui dico venisse penè neminem, ne de officiosissimâ quidem natione candidatorum, cùm [a] vulgò essent et illo ipso, et multis antè diebus admoniti et rogati; togulæ lictoribus ad portam præstò fuerunt: quibus illi acceptis, sagula rejecerunt, et catervam imperatori suo novam præbuèrunt; sic iste à tanto exercitu, tantâ provinciâ, triennio post, Macedonicus imperator in urbem se intulit, ut nullius negotiatoris obscurissimi reditus unquam fuerit desertior; in quo me tamen, qui esset paratus ad se defendendum, reprehendit; cùm ego Cœlimontanâ portâ introisse dixissem, sponsione me, ni Esquilinâ introisset, homo promptissimus lacessivit: quasi verò id aut ego scire debuerim, aut vestrùm quisquam audierit; aut ad rem pertineat, quâ tu portâ introieris, modò ne tri-

a *passim.*

Numa Pompilius, from which family many consuls arose.

Ib. *Calventiæ.*] Piso sprung from that family, by his mother; for Calventius, the common crier at Placentia, was his maternal grandfather, as was said above.

Ib. *Placentini municipii.*] Placentia was a town in Cisalpine Gaul, on the Po; its inhabitants had early obtained the privilege of a free town.

31. *Braccatæ.*] The Braccæ were a kind of trowsers used by the Gauls.

34. *L. Flaccus.*] He was not a suitable person for the lieutenant of Piso, because he was a wise and brave man, and had assisted Cicero in apprehending the Allobroges, who carried letters from the conspirators to Catiline.

37. *Errantem.*] Piso sought obscure by-ways, that he might seem to enter the city in silence.

39. *Quorum tu legatorum.*] He attributes the victory, on account of which, Piso was saluted Imperator, to Flaccus, and Q. Marcius, his lieutenants. Marcius was hindered from triumphing by the envy of his enemies.

42. *Officiosissimâ natione candidatorum.*] Those who stood candidates for public honours, generally declared their intention about a year before the election, all which time was spent in gaining and securing friends. For this purpose they used all the arts of popularity, making their circuits round the city very often, and in their walks taking the meanest persons by the hand, and talking with them in a familiar manner: whence Cicero calls them *natio officiosissima.*

44. *Togulæ lictoribus.*] That Piso might appear to enter the city with dignity and a retinue, and to go the capitol to give thanks; he commanded those who were with him to put off their own war vests at the gate of the city, and to put on the gown that they might appear as if they had come from the city for the purpose of leading him in.

46. *Triennio post.*] For three years he had been proconsul in the province of Macedonia.

49. *Cœlimontanâ.*] This was a gate of Rome, which some think to be the same with the one at present, called St. Johns.

50. *Sponsione.*] *Sponsio* is a pledge which any one gives, that the thing which he affirms is so. But Piso wished to contend with Cicero, that he had entered by the Esquiline, and not by the Cœlimontan gate, as Cicero had said; in this he laughs at the stupidity of the man.

Ib. *Esquilinâ.*] This was a gate of the city, which is call Prænestina by Procopius.

52. *Triumphali.*] That was called the triumphal gate, through which they alone

umphali: quæ porta Macedonicis semper proconsulibus antè te patuit; tu inventus es, qui consulari imperio prædıtus ex Macedoniâ non triumphares. 55

X. At audistis, P. conscripti, philosophi vocem; negavit se triumphi cupidum unquam fuisse. O scelus! ô pestis! ô labes! cùm extinguebas Senatum, vendebas auctoritatem hujus ordinis, addicebas tribuno-pleb. consulatum tuum, rempub. evertebas, prodebas caput et salutem meam unâ mercede provinciæ; si triumphum non cupiebas, cujus tandem rei te cupiditate arsisse defendes? sæpe enim vidi, qui et mihi, et cæteris cupidiores provinciæ viderentur; triumphi nomine tegere atque velare cupiditatem suam; hoc modo D. Silanus Consul in hoc ordine, hoc meus etiam collega dicebat; neque enim quisquam potest exercitum cupere, aperteque petere, ut non prætexat cupiditatem triumphi. Quòd si te Senatus, si populus Romanus, aut non appetentem, aut etiam recusantem, bellum suscipere, exercitum ducere coëgisset; tamen erat angusti animi atque demissi, justi triumphi honorem atque dignitatem contemnere; nam, ut levitatis est inanem aucupari rumorem, et omnes umbras etiam falsæ gloriæ consectari: sic levis est animi, lucem splendoremque fugientis, justam gloriam, qui est fructus veræ virtutis honestissimus, repudiare. Cum verò, non modò non postulante atque cogente, sed invita atque oppresso Senatu, non modò nullo populi Romani studio, sed nullo ferente suffragium libero, provincia tibi ista manupretium fuerit non eversæ per te, sed perditæ civitatis: cùmque omnium tuorum scelerum hæc pactio extiterit, ut si totam rempublicam nefariis latronibus tradidisses, Macedonia, tibi ob eam rem, quibus tu finibus velles, redderetur: cùm exhauriebas ærarium, cùm orbabas Italiam juventute, cùm mare vastissimum hieme transibas; si triumphum contemnebas, quæ te, prædo amentissime, nisi prædæ ac rapinarum cupiditas tam cæca rapiebat? Non est [a] integrum Cn. Pompeio consilio jam uti tuo: erravit enim; non gustarat istam tuam philosophiam; ter jam homo stultus triumphavit. Crasse, pudet me tui: quid est quòd confecto per te formidolosissimo bello, coronam illam lauream tibi tantopere decerni voluеris à Senatu? P. Servili, Q. Metelle, C. Curio, P. Africane, cur non

[a] *non licet.*

passed who entered the city triumphing.

8. *D. Silanus.*] Silanus was consul after Cicero, in the year of the city 691, and was sent with an army against the Spaniards, who were exciting tumults, but were conquered by him.

19. *Ferente suffragium libero.*] He says that few, except servants and inhabitants of the free towns, were present at the passing of this law; this we may consider as an oratorical figure.

22. *Latronibus.*] Piso and Gabinius and the other associates of Clodius.

28. *Ter jam homo stultus triumphavit.*] Pompey triumphed over three parts of the world.

29. *Crasse.*] M. Crassus put an end to the Spartan war, whence Plutarch says that it was lawful for him to enter the city rejoicing, as if it had been unworthy to triumph over slaves.

30. *Illam lauream.*] When the senate only permitted him to enter the city crowned with myrtle, he insolently spurned that crown, and obtained permission to enter crowned with laurel. See Pliny. *lib.* 15.

31. *Servili.*] Servilius triumphed over the Isaurians of Cilicia, and thus obtained the name of Isauricus.

Ib. *Metelle.*] Metellus triumphed over the Cretans, and thus received the name Creticus.

Ib. *C. Curio.*] He triumphed over Macedonia.

Ib. *Africane.*] It does not appear who this Africanus was; Abrahamus suspects that he was the father-in law of Pompey, for as he here speaks of men, who had triumphed, and were yet alive, it is not credible that he spoke of ancient *Africani.*

hunc audistis tam doctum hominem, tam eruditum, prius quàm in istum errorem induceremini? C. ipsi Pontino, necessario meo, jam non est integrum: religionibus enim susceptis impeditur. O stultos Camillos, Curios, Fabricios, Calatinos, Scipiones, Marcellos, Maximos! ô amentem Paullum; rusticum Marium! nullius consilii patres horum amborum consulum, qui triumpharint! Sed quoniam præterita mutare non possumus, quid cessat hic homulus ex argillâ et luto fictus, Epicureus, dare hæc præclara præcepta sapientiæ clarissimo et summo imperatori, genero suo? fertur ille vir, mihil crede, gloriâ; flagrat, ardent cupidiate justi et magni triumphi: non didicit eadem ista, quæ tu: mitte ad eum libellum; [b] et si jam ipse coram [c] congredi poteris, meditare, quibus verbis incensam illius cupiditatem comprimas, atque restinguas: valebis apud hominem [e] volitantem gloriæ cupiditate, vir moderatus et constans, apud indoctum eruditus, apud generum socer: dices enim, ut es homo facetus, ad persuadendum concinnus, perfectus, politus è schola; Quid est, Cæsar, quod te supplicationes toties decretæ, tot dierum, tantopere delectent? in quibus, homines errore ducuntur: quas dii negligunt; qui, ut noster ille divinus dixit Epicurus, neque propitii cuiquam esse solent, neque irati. Non facies fidem scilicet, cùm hæc disputabis: tibi enim et esse, et fuisse deos videbis iratos; vertes te ad alteram scholam: disseres de triumpho. Quid tandem habet iste currus? quid vincti ante currum

a *homuncio.* b *literas.* c *venire.* d *abreptem.*

33. *Ipsi Pontino.*] Pontinus, the prætor, was sent in the consulship of Cicero against the Allobroges, whom he conquered

24. *Camillos.*] M. Furius Camillus triumphed four times; first, over the Veientes; second, over the Gauls; third, over the Volsci Æqui and Tuscans; fourth over the Senone Gauls.

35. *Curios.*] Curius Dentatus triumphed over the Sabines, twice over the Samnites, and last over king Pyrrhus.

Ib. *Fabricios.*] Fabricius triumphed over Tuscans and Gaul, and over the Lucanians, Brutians, Tarentines, and king Pyrrhus.

Ib. *Calatinos.*] M. Atillus Calatinus triumphed over Cicily in the first Punic war.

Ib. *Scipiones.*] Seven of that family triumphed.

Ib. *Marcellos.*] M. Claudius Marcellus triumphed once over the Gauls, and three times over the Syracusans.

Ib. *Maximos.*] Q. Fabius Maximus Verrucosus triumphed over the Ligurians; Paullus Œmilius twice over the Ligurians, and over Macedonia and king Pyrrhus.

36. *Rusticum Marium.*] He calls him rustic, because he had spent his youth among the farmers in the country: he however triumphed over the Numidians and king Jugurtha, and over the Cimbri and Teutones.

Ib. *Horum amborum.*] These were Pompey the Great and Crassus, in whose consulship this oration was spoken. Pompey's father had triumphed over the Picentines, and Crassus's over the Lusitanians.

38. *Ex argillâ et luto.*] He calls Piso a man made out of clay and loam, on account of his filth and the baseness of his lusts.

40. *Genero suo.*] Julius Cæsar.

42. *Mitte ad eum.*] Cæsar was then in Gaul.

48. *Tot dierum.*] These thanksgivings were decreed to continue fifteen days.

49. *Divinus Epicurus.*] Epicurus was accounted a god by the ancients, as Lucretinus affirms, *lib.* 5. *de nat. rerum.*

50. *Neque propitii cuiquam.*] Epicurus thought that the gods took no care of human affairs, so that they were neither angry nor propitious to men.

52. *Ad alteram schlam.*] To that which refers the principal good to bodily pleasure.

53. *Iste currus.*] Those who triumphed were carried in a chariot, made either of ivory or some other precious material, and formed into the appearance of a tower, as is written in the second book of Zonara.

Ib. *Quid vincti ante currum duces.*] The chiefs of the enemy were led bound before the chariot, to give pomp to the triumph. But when he who was triumhing began to turn to the capitol, they were taken into prison, where they were

duces? quid simulacra oppidorum? quid aurum? quid argentum? quid legati in equis et tribuni? quid clamor militum? quid tota illa pompa? inania sunt ista, mihi crede, delectamenta penè puerorum, captare plausus, vehi per urbem, conspici velle: quibus ex rebus, nihil est quod solidum tenere, nihil quod referre ad voluptatem corporis possis; quin tu me vides, qui ex quâ provinciâ, T. Flaminius, L. Paullus, Q. Metellus, T. Didius, innumerabiles alii, levi cupiditate commoti triumpharunt, ex eâ sic redii, ut ad portam Esquilinam, Macedonicam lauream conculcarim: ipse cum hominibus quindecim, male vestitis ad portam Cœlimontanam sitiens pervenerim: quo in loco mihi libertus, præclaro imperatori, domum [a] ex hâc die biduo ante conduxerat: quæ vacua si non fuisset, in campo Martio mihi tabernaculum collocassem: [b] nummus interea mihi, Cæsar, neglectis ferculis [c] triumphalibus, domi manet et manebit: rationes ad ærarium retuli continuò, sicut tua lex jubebat: neque aliâ ullâ in re legi tuæ parui, quas rationes si cognòris, intelliges nemini plus, quâm mihi literas profuisse: ita enim sunt perscriptæ [d] scitè et literatè, ut scriba, ad ærarium qui eas retulit, perscriptis rationibus, secum ipse caput sinistrâ manu perfricans commurmuratus sit, *Ratio quidem hercle apparet, argentum* [b] οἴχεται. Hac tu oratione non dubito, quin illum jam ascendentem in currum possis revocare. O tenebræ, ô lutum, ô sordes, ô paterni generis oblite, materni vix memor! ita nescio quid istuc fractum, humile, demissum, sordidum, inferius etiam est, quàm ut Mediolanensi præcone, avo tuo dignum esse videatur. L. Crassus homo sapientissimus nostræ civitatis, spiculis propè scru-

a *biduo ante adventum meum.* b *pecunia.* c *gestaminibus pomparum.* d *callidè.* e *periit.*

beheaded in a cruel and barbarous manner.

54. *Simulacra oppidorum.*] The wooden, ivory, and even silver images of the cities which had been taken, were carried along.

Ib. *Quid aurum? quid argentum?*] They carried with them the gold which had been collected from the spoils, the tribute money, and the gold and silver crowns, which had been sent with ambassadors as a reward of victory from the various cities.

Ib. *Quid legati in equis et tribuni.*] They honoured the pomp of that triumph.

55. *Quid clamor militum.*] The soldiers commonly used the words *Io triumphe!* *Ovid.* 4. *Trist. Eleg.* 2. *Ioque miles, Io, magna voce, triumpho canet.* However, Appian says, that some of them followed the general with praises, some with taunts, and others with reproaches.

59. *Quin tu me vides.*] He here ridiculously pretends, that Clodius had taught Cæsar to despise triumphs.

Ib. *T. Flaminius.*] T. Quinctius Flaminus triumphed over Macedonia and king Philip, in the year of the city 559.

Ib. *L. Paullus.*] Paullus triumphed over Macedonia and king Perses, in the year of the city 586.

60. *Q. Metullus.*] This Q. Metellus was called Macedonicus, because he subdued Macedonia in the year 607.

Ib. *T. Didius.*] T. Didius expelled the Thracians from Macedonia.

62. *Conculcarim.*] He threw down the laurel crown which he received when saluted imperator by the soldiers, and refused to triumph or go in the manner of those triumphing, that he might place it in the bosom of Jupiter.

68. *Tua lex jubebat.*] C. Julius Cæsar made a law, A. U. 691, whereby governors, at the expiration of their office, were obliged to leave the scheme of their accounts in two cities of their provinces, and upon their arrival at Rome to deliver in a copy of the said accounts at the treasury.

71. *Perscriptis rationibus.*] He who transcribed them, that, according to custom, they might be preserved in the treasury.

77. *Mediolanensi præcone.*] Mediolanum was the metropolis of Insubria, the country in which Placentia, the town of his maternal grandfather, was situated. He here ironically names the most noble city in the country instead of an inferior one.

78. *L. Crassus.*] L. Crassus had Q. Scævola Pontifex for his colleague. He, when he observed that the senate, to grati-

tatus est Alpes: ut, ubi hostis non erat, ibi triumphi causam aliquam quæreret. Eâdem cupiditate vir summo ingenio præditus, C. Cotta, nullo certo hoste, flagravit; eorum neuter triumphavit, quòd alteri illum honorem collega, alteri mors ademit. Irrisa est abs te paulò ante M. Pisonis cupiditas triumphandi, à quâ te longè dixisti abhorrere; qui etiamsi minus magnum bellum gesserat, ut abs te dictum tamen istum honorem contemnendum non putavit. Tu eruditior est, quàm Piso, prudentior quàm Cotta, abundantior consilio, ingenio, sapientiâ quàm Crassus, ea contemnis, quæ illi idiotæ, ut tu appellas, præclara duxerunt. Quòd si reprehendis, quòd cupidi laureæ fuerint, cùm bella aut parva, aut nulla gessissent; tu, tantis nationibus subactis, tantis rebus gestis, minimè fructum laborum tuorum, præmia periculorum, virtutis insignia contemnere debuisti; neque verò contempsisti, licèt Themistâ sapientior, si os tuum ferreum Senatus convicio verberari noluisti. Jam vides (quandoquidem ita mihimet fuit inimicus ut me tecum compararem) et digressum meum, et absentiam, et reditum ita longè tuo præstitisse, ut mihi illa omnia immortalem gloriam dederint, tibi sempiternam turpitudinem inflixerint.

ALTERA PARS INSECTATIONIS.

DE PRIVATIS FLAGITIIS.

Hæc pars tres continet alias partes, quarum prima vitam Pisonis privatam seu domesticam continet: Secunda confutationem, quòd objiciebatur à Pisone Ciceroni quòd versu Pompeium et Cæsarem offendisset: Tertia enumerationem scelerum, quæ Piso in provinciæ administratione commisit.

XI. Nunc etiam in hâc quotidianâ, assiduâ, urbanâque vitâ splendorem tuum, gratiam, celebritatem domesticam, operam forensem, consilium, auxilium, auctoritatem, sententiam Senatoriam nobis, aut, ut veriùs dicam, cuiquam es infimo ac desperatissimo antelaturus?

fy Crassus, had decreed him a triumph, did not hesitate to show a greater regard for the republic than for his colleague, and opposed the decree. He had resigned his province, which was coveted by many, even good men, lest he should be an expense to the treasury.

80. *C. Cotta.*] Cicero makes frequent mention of this Cotta in his book *de Oratore.* We are told by Asconius, that after the senate had decreed him a triumph, he died the day before it was to be celebrated, of the breaking out of a wound which he had received several years before.

83. *M. Pisonis.*] Rupius Piso lived in the same age with Cicero, but he was much older; for Cicero's father had taken him when a boy to Piso, because he was a model of ancient life, and very learned. When proconsul he triumphed over the Spaniards, in the consulship of Q. Hortensius and Q. Metellus Creticus.

92. *Themistâ.*] This Themista, according to Laertius, was the wife of one Leonteus, and a very learned lady; she was contemporary with Epicurus, and a great admirer of his philosophy. *Lipsius lib.* 1. *cap.* 8. of various readings, has it Themis, who was supposed to be the goddess that taught to ask what was right and proper, for Cicero is ridiculing Piso. He says, that through a consciousness of his crimes, he did not dare to ask a triumph from the enraged senate; and that he was wiser than Themis, and had far more clearly foreseen what it was expedient for him to ask, and what not, than the goddess who gives men dispositions to ask for those things, which are just and equitable, could have persuaded him of. For Piso had acutely foreseen, that since he did not deserve a triumph, or if he had been most deserving of one, he would not have received it from the senate. Therefore he did not at all seek for a triumph that he might appear rather to have been unwilling to obtain it, than not to have been able.

2. *Celebritatem domesticam.*] Numerous

Age, Senatus odit te, quòd eum tu facere jure concedis, afflictorem et perditorem non modò dignitatis et auctoritatis, sed omnino ordinis ac nominis sui: videre equites Romani non possunt, quo ex ordine vir præstantissimus, L. Ælius est, te Consule, relegatus: plebs Romana perditum cupit, in cujus tu infamiam ea, quæ per latrones et per servos de me egeras, contulisti: Italia cuncta execratur, cujus idem tu superbissimè decreta et preces repudiasti. [a] Fac hujus odii tanti, ac tam universi periculum, si audes. Instant post hominum memoriam apparatissimi magnificentissimique ludi, quales non modò nunquam fuerunt, sed ne quomodo fieri quidem posthac possint, possum ullo pacto suspicari. [b] Da te populo, committe ludis. Sibilum metuis? ubi sunt vestræ scholæ? ne acclametur? ne id quidem est curare philosophi: manus tibi ne afferantur, times; dolor enim est malum, ut disputas: existimatio, dedecus, infamia, turpitudo, verba sunt atque ineptiæ; sed de hoc non dubito; nam non audebit accedere ad ludos; convivium publicum non dignitatis causâ inibit (nisi fortè, ut cum P. Clodio, hoc est, cum amoribus suis cœnet) sed planè animi sui causâ; ludos nobis idiotis relinquet: solet enim, in disputationibus suis, oculorum et aurium delectationi abdominis voluptates anteferre; nam quòd vobis iste tantummodo improbus, crudelis olim furunculus, nunc verò etiam rapax, quòd sordidus, quòd contumax, quòd superbus, quòd fallax, quòd perfidiosus, quòd impudens, quòd audax esse videatur: nihil scitote esse luxuriosius, nihil libidinosius, nihil protervius, nihil nequius; luxuriam autem in isto nolite hanc cogitare; est enim quædam, quanquam omnis est vitiosa atque turpis, tamen ingenuo ac libero dignior; nihil apud hunc lautum, nihil elegans, nihil exquisitum, (laudabo inimicum,) ne magnopere quidem quidquam, præter libidines, sumptuosum; toreuma nullum: maximi calices; et hi, ne contemnere suos videatur, Placentini: exstructâ mensâ, non conchy-

a *Experire tantum odium.* b *offer.*

clients were present every morning to salute their patrons.

Ib. *Operam forensem.*] Even the most powerful men in the state, derived their glory from defending the citizens in court.

8. *L. Ælius.*] L. Ælius Lamia was banished in the consulship of Piso. He was the prince of the equestrian order.

11. *Et preces repudiasti.*] He despised the prayers of all Italy, which were made for the safety of Cicero.

13. *Magnificentissimi ludi.*] He here refers to the shows with which Pompey entertained the people, at the dedication of that grand theatre, which he built at his own expense, for the use and ornament of the city.

16. *Vestræ scholæ.*] The Epicureans, whose doctrines Piso followed, despised disgrace, wherefore it was not to be expected that they would fear to be marked with it in the theatre. But philosophical disputations or dissertations, concerning any subject, were called *scholæ.* Thus above page 213, *Vertes te ad alteram scholam.*

17. *Dolor est malum.*] He here produces the opinion of the Epicureans, concerning which he speaks largely *in Tuscul. Quæst.*

20. *Convivium publicum.*] The feast which was given by Pompey at the celebration of the games.

21. *Cum amoribus suis.*] He calls Clodius his darling, because they were held with an equal desire of sensuality, and the foulest pleasures.

23. *Abdominis voluptates.*] He intends gluttony and luxury, two of the foulest of all pleasures.

32. *Toreuma.*] By the *toreuma* he intends some vessel which was elegantly engraved.

Ib. *Maximi calices.*] Vessels generally made of earth, which men of small fortunes used, as appears from Martial *lib.* 14. *Epig.* 110. *Vilia sutoris calicem monumenta, Vatini, Accipe.*

33. *Placentini.*] He endeavours to bring Piso into contempt, as if mindful of his maternal grandfather, who used such cups.

liis, aut piscibus, sed multâ carne subrancidâ; servi sordidati ministrant: nonnulli etiam senes: idem coquus, idem atriensis: pistor domi nullus, nulla cella: panis, et vinum à propolâ, atque de cupa: Græci [a] stipati, quini in lectulis, sæpe plures: ipse solus: bibitur usque eo, dum de solio ministretur; ubi galli cantum audivit, avum suum revixisse putat: mensam tolli jubet. Dicet aliquis, Unde tibi hæc nota sunt? non, mehercule, contumeliæ causâ describam quemquam, præsertim ingeniosum hominem, atque eruditum, cui generi esse ego iratus, ne si cupiam quidem, possum. Est quidem Græcus, qui cum isto vivit, homo, verè ut dicam (sic enim cognovi) humanus, sed tamdiu, quamdiu cum aliis est, aut ipse [b] secum; is cùm istum adolescentem jam tum cum hâc diis iratâ fronte vidisset, non fugit ejus amicitiam, cùm esset præsertim appetitus: dedit se in consuetudinem, sic ut prorsus unà viveret, nec ferè ab isto unquam discederet. Non apud indoctos, sed, ut ego arbitror, in hominum eruditissimorum et humanissimorum cœtu loquor: audistis profectò dici, philosophos Epicureos, omnes res, quæ sunt homini expetendæ, voluptate metiri: rectè an [c] secus, nihil ad nos: aut si ad nos, nihil ad hoc tempus; sed tamen lubricum genus orationis adolescenti non acriter intelligenti est sæpe præceps. Itaque admissarius iste, simul atque audivit à philosopho voluptatem tantopere laudari, nihil [d] expiscatus est: sic suos sensus voluptarios omnes incitavit, sic ad illius hanc orationem adhinniit, ut non magistrum virtutis, sed auctorem libidinis à se illum inventum arbitraretur. Græcus primò distinguere, atque dividere illa, quemadmodum dicerentur; iste claudus (quomodo aiunt) pilam retinere, quod acceperat [e] testificari, tabulas obsignare velle, Epicurum [d] disertum decernere; et tamen dictum, ut opinor, se nullum bonum intelligere posse, demptis corporis voluptatibus. Quid

a *compressi.* b *solus.* c *malè.* d *examinavit.* e producere *testes.* f *distincte locutum.*

Ib. *Conchyliis aut piscibus.*] The Romans furnished their tables with the most delicate shell and other fishes brought from a distance, for the sake of ostentation. Whence Pliny *lib.* 9. *Nat. Hist. cap.* 34. that this luxury in shell fish was prohibited by M. Scaurus

34. *Carne subrancidâ.*] Flesh which was salted and fetid, so as to increase thirst.

35. *Atriensis.*] Those servants were called *atrienses* or *atriarii*, to whom the care of the halls were committed, and who received visiters and introduced them into the house.

36. *De cupâ.*] Cupa was a vine vessel in which the sweet wines were fermented.

37. *Quini in lectulis.*] The usual number in a bed, was three, sometimes indeed there were four; but this happened very seldom, so that what is mentioned in this passage, was reckoned extremely mean and inelegant.

38. *Dum de solio.*] It is not easy to ascertain the meaning of this passage, upon which the commentators are divided. Instead of *de solio*, some are for reading *de dolio*.

Ib. *Ubi galli cantum audivit*] This is a pun upon the word Gallus; Piso's grandfather being a Gaul.

42. *Est quidem Græcus.*] The name of this Greek was Philodemus, an Epicurean philosopher; he is mentioned by Cicero in his second book *de finibus*, as a man of great worth and learning.

45. *Jam tum.*] Even in his youth, Piso had covered many vices by a certain appearance of severity.

46. *Appetitus.*] Piso wished to have Philodemus for the companion of his life.

52. *Adolescenti.*] Young men do not sufficiently distinguish between pleasure of body and mind.

53. *Admissarius iste.*] He calls him a whoremaster, because he had exposed himself to every lust of unchaste women.

58. *Iste claudus.*] A proverb which is used concerning those who tenaciously hold to any thing which they have received from their preceptors, whether correct or not.

59. *Retinere.*] Supply *incepit.*

multa? Græcus facilis, et valdè venustus, nimis pugnax contra Senatorem populi Romani esse noluit. Est autem hic, de quo loquor, non Philosophiâ solùm, sed etiam literis, quod ferè cæteros Epicureos negligere dicunt, perpolitus. Poëma porrò facit ita festivum, ita concinnum, ita elegans, nihil ut fieri possit argutius; [a] in quo reprehendat eum licèt, si qui volet, modò leviter, non ut impurum, non ut improbum, non ut audacem, sed ut Græculum, ut assentatorem, ut poëtam; devenit, aut potius incidit in istum, eodem deceptus supercilio, Græcus atque advena, quo tam sapiens et tanta civitas; revocare se non poterat, familiaritate implicatus: et simul inconstantiæ famam verebatur; rogatus, invitatus, coactus, ita multa ad istum, de isto quoque, scripsit, ut omnes hominis libidines, omnia stupra, omnia cœnarum conviviorumque genera, adulteria denique ejus delicatissimis versibus expresserit; in quibus si quis velit, possit istius tanquam in speculo vitam intueri: ex quibus multa à multis lecta et audita recitarem, nisi vererer ne hoc ipsum genus orationis, quo nunc utor, ab hujus loci more abhorreret: et simul de ipso qui scripsit, detrahi nihil volo: qui, si fuisset in discipulo comparando meliore fortunâ, fortasse austerior et gravior esse potuisset; sed eum [b] casus in hanc consuetudinem scribendi induxit, philosopho valdè indignam: siquidem philosophia, ut fertur, virtutis continet, et officii, et bene vivendi disciplinam: quam qui profitetur, gravissimam mihi sustinere personam videtur.

XII. Sed idem casus illum ignarum quid profiteretur, cùm se philosophum esse diceret, istius impurissimæ atque intemperantissimæ pecudis cœno et sordibus inquinavit: qui modò cùm res gestas consulatùs mei collaudasset, (quæ quidem laudatio hominis turpissimi mihi ipsi erat penè turpis,) Non ulla tibi, inquit, invidia nocuit, sed versus tui. Nimis magna pœna, te Consule, constituta est, sive malo poëta, sive libero. Scripsisti enim CEDANT ARMA TOGÆ. Quid tum? Hæc res tibi fluctus illos excitavit. Ad hoc nusquam opinor scriptum fuisse in illo elogio, quod, te Consule, in sepulchro reipublicæ incisum est, VELITIS, JUBEATIS, UT, non quòd Marcus Cicero versum fecerit, sed quòd vindicarit. Verumtamen, quoniam te non Aristarchum, sed Phalarim grammaticum habemus,

a *si qui volet reprehendere eum, reprehendat leviter.* b *necessitas.*

64. *Quod ferè cæteros*] Cicero, speaking of Epicurus, *lib. de. Finibus.* says it was not sufficient for him to be polished in all those arts by which men become erudite, but that he had diverted others from their studies.

68. *Græculum.*] The Greeks were in low estimation among the Romans, on account of their flattery.

69. *Poëtam.*] Poets wish to please with their adulations, and therefore often obscure the truth with their fictions.

72. *Ad istum, de isto quoque.*] He wrote many verses concerning Piso, which were necessarily unchaste, as they described his unchaste lusts.

1. *Sed idem casus.*] The same necessity which impelled Philodemus to write concerning the lusts of Piso, polluted him with the same crimes.

8. *Hæc res tibi fluctus illos excitavit.*] Piso, upon his return to Rome from his province, trusting to the authority of his son-in-law Cæsar, had the hardiness to attack Cicero before the senate, and among other things with which he upraided him, told him that a single verse of his was the cause of all his calamity, by provoking Pompey to make him feel how much the power of a general was superior to that of an orator. The absurdity of Piso's application of this verse our orator ridicules with great humour.

11. *Sed qòud vindicarit.*] It was not because Cicero had written verses that he was sent into exile, but because he had defended the republic from conspiracy.

12. *Aristarchum, sed Phalarim.*] Aris-

qui non notam apponas ad malum versum, sed poëtam armis persequare: scire cupio, quid tandem isto in versu reprehendas, CEDANT ARMA TOGÆ. Tuæ dicis, inquit, togæ summum imperatorem esse cessurum. Quid nunc te, asine, literas doceam? non opus est verbis, sed fustibus; non dixi hanc togam, quâ sum amictus; nec arma, scutum, et gladium unius imperatoris; sed, quod pacis est insigne et otii, toga: contrà autem arma tumultûs atque belli: more poëtarum locutus, hoc intelligi volui, BELLUM AC TUMULTUM PACI ATQUE OTIO CONCESSURUM. Quære ex familiari tuo, Græco illo poëta: probabit genus ipsum et agnoscet, neque te nihil sapere mirabitur. At in illo altero, inquit hæres, [a] CONCEDAT LAUREA LAUDI. Immò mehercule habeo tibi gratiam; hærerem enim, nisi tu me expedisses; nam cùm tu tumidus ac tremens tuis ipse furacissimis manibus detractam è cruentis fascibus lauream ad portem Esquilinam abjecisti; indicasti non modò amplissimæ, sed etiam minimæ laudi lauream concessisse. Atque istâ ratione hoc tamen intelligi, scelerate, vis, Pompeium inimicum mihi isto versu esse factum; ut, si versus mihi nocuerit, ab eo, quem is versus offenderit, videatur mihi [b] pernicies esse quæsita. Omitto, nihil istum versum pertinuisse ad illum? non [c] fuisse meum, quem quantum potuissem, multis sæpe orationibus scriptisque decorassem, hunc uno violare versu. Sed sit offensus; primò, non-ne compensabit cum uno versiculo tot mea volumina laudum suarum? Quòd si est [d] commotus, [e] ad perniciem-ne, non dicam amicissimi, non ita de suâ laude meriti, non ita de republicâ, non Consularis, non Senatoris, non civis, non liberi; in hominis caput ille tam crudelis propter versum fuisset? tu quid, tu apud quos, tu de quo dicas, intelligis? complecteris amplissimos viros ad tuum et Gabinii scelus: neque id occultè; nam paulo ante dixisti, me cum iis confligere, quos despicerem; non attingere eos, qui plus

a *victoriæ insignia cedant eloquentiæ laudi.* b *infortunium comparatum.* c *me voluisse.* d *iratus.* e *tam crudelis fuisset, ut perderet propter versum, non dicam amicissimum, non ita meritum de Repub.* &c. *sed hominem.*

tarchus was a celebrated grammarian and critic: he flourished at Alexandria, about 176 years before Christ. It is reported of him that he wrote above a thousand commentaries upon different authors, and that when he did not like a verse of Homer, he marked it with an asterisk as being spurious. Philaris was a famous tyrant of Agrigentum.

19. *Tumultûs atque belli.*] Supply, *belli sunt in insignia et seditionum.*

23. *At in altero.*] He shows that Piso found a difficulty in another part of this song.

24. *Hærerem.*] Cicero confesses that he would have found some difficulty in this verse, unless Piso had explained it to him.

25. *Ac tremens.*] Piso feared lest he should be accused of extortion, on account of his thefts and rapines in the provinces.

26. *Lauream objecitis.*] When he entered Rome, he threw away his *fasces* crowned with laurel at the Esquiline gate, lest they should appear to have been stained with the blood of the provincials.

28. *Laurem concessise.*] He says truly, that he had yielded the laurel to the merit of eloquence when he feared to be accused in court.

33. *Orationibus decorassem.*] Cicero praises no one more frequently than Pompey, as appears from his oration *pro lege Manil.*

35. *Tot mea volumina.*] Books, formerly were not bound in pages, as they are at present, but were rolled up like scrolls, as appears from the etymology of the word, for volume is evidently derived from *volvendo.*

39. *Complecteris amplissimos viros.*] He says that he wanted to join Pompey and Cæsar, as accomplices with himself and Gabinius.

41. *Quos despicerem.*] Piso had objected

possent, quibus iratus esse deberem; quorum quidem (quis enim non intelligit quos dicas?) quanquam non est una causa omnium, tamen est omnium mihi probata; me Cn. Pompeius, multis obsistentibus ejus erga me studio atque amori, semper dilexit, semper suâ conjunctione dignissimum judicavit, semper [a] non modò incolumen, sed etiam amplissimum atque ornatissimum voluit esse; vestræ fraudes, vestrum scelus, vestræ criminationes insidiarum mearum, illius periculorum, nefariè fictæ, simul eorum, qui familiaritatis licentiâ suorum improbissimorum sermonum [b] domicilium in auribus ejus, impulsu vestro, collocaverunt, vestræ cupiditates provinciarum effecerunt, ut ego excluderer, omnesque, qui me, qui illius gloriam, qui rempublicam salvam esse cupiebant, sermone atque aditu prohiberentur. Quibus rebus est perfectum, ut illi planè [c] suo stare judicio non liceret: cùm certi homines non studium ejus à me alienassent, sed auxilium retardassent. Non-ne ad te L. Lentulus, qui tum erat Prætor, non Q. Sanga, non L. Torquatus pater, non M. Lucullus venit? qui omnes ad eum, multique mortales, oratum in Albanum obsecratumque venerant ne meas fortunas desereret cum reipublicæ salute conjunctas; quos ille ad te et ad tuum collegam remisit, ut causam publicam susciperetis, ut ad Senatum referretis: se contra armatum tribunum-pleb. sine consilio publico decertare nolle: consulibus ex S. C. rempublicam defendentibus, se arma sumpturum. Ecquid infelix recordaris? quid responderis? in quo illi omnes quidem, sed Torquatus præter cæteros, furebat contumaciâ responsi tui; te non esse tam fortem quàm ipse Torquatus in consulatu fuisset, aut ego: nihil opus esse armis, nihil contentione: me posse iterum rempub. servare, si cessissem: infinitam cædem fore, si restitissem: deinde ad extremum, neque te, neque generum, neque collegam tuum, tribuno-plebis defuturum:

a *non modò optavit meam salutem, sed etiam amplitudinem et gloriam.*
b *obsederunt aures improbissimis sermonibus.* c *manere* in *sua voluntate* erga me.

to Cicero, that he had caused himself and Gabinius to be recalled from the provinces, and had attacked them, because, being weak enemies, he did not fear them.

42. *Qui plus possent.*] He intends Pompey and Cæsar, whose authority in the republic was far greater.

43. *Non est una causa omnium.*] He distinguishes the cause of Pompey from that of all others.

44. *Multis obsistentibus.*] Piso, Gabinius, the Clodii, and all the Clodians, had endeavoured to alienate Pompey from Cicero.

48. *Criminationes insidiarum.*] The Clodian faction, in order to deprive Cicero of so powerful a protection as that of Pompey, employed all their arts to infuse jealousies and suspicions into him of a design formed by Cicero against his life.

56. *L. Lentulus.*] He was consul in the first year of the civil war.

57. *Q. Sanga.*] This was he who informed Cicero of the conspiracy.

Ib. *L. Torquatus pater.*] He mentions the father, to distinguish him from the son, who then flourished.

58. *In Albanum.*] Pompey, in consequence of the letters which he received from these pretended friends, and to take the better care of his life, not that he had any apprehensions of Cicero, withdrew himself to his Alban villa.

62. *Coss. ex Senatus consulto.*] This was the decree of the senate, by which the consuls were to see that the republic sustained no injury: by which sentence he says that the consuls were sufficiently armed.

66. *Torquatus in Consulatu.*] He was a man of a clownish understanding, in whose consulship the first conspiracy of Catiline broke out; in which Piso, Catiline, and Antony wished to kill him and his colleague Cotta.

Ib. *Aut ego.*] Cicero had suppressed another conspiracy, of which he spoke in his orations against Catiline.

67. *Si cessissem.*] To the occasion, as to the arms of the Clodians.

69. *Neque te.*] Piso, Cæsar, and Gabinius had promised to assist Clodius, if any

hic tu hostis ac proditor, aliis me inimiciorem, quàm tibi, debere esse dicis?

XIII. Ego C. Cæsarem non eadem de republicâ sensisse, quæ me, scio: sed tamen, quod jam de eo, his audientibus, sæpe dixi, me ille sui totius Consulatûs, eorumque honorum, quos cum proximis communicavit, socium esse voluit, detulit, invitàvit, rogavit; non sum ego, propter nimiam fortasse constantiæ cupiditatem, adductus ad causam: non postulabam ut ei carissimus essem, cujus ego non beneficiis quidem sententiam meam tradidissem. Adducta res in certamen, te Consule, putabatur, utrum quæ superiore anno ille gessisset, manerent, an rescinderentur: quid loquar plura? si tantùm ille in me esse uno roboris et virtutis putavit, ut ea, quæ ipse gesserat, conciderent, si ego restitissem; cur ei non ignoscam, si anteposuit suam salutem meæ? Sed præterita omitto: me ut Cn. Pompeius omnibus suis studiis, laboribus, vitæ periculis complexus est, cùm municipia pro me adiret, Italiæ, fidem imploraret, P. Lentulo Consuli, auctori salutis meæ, frequens assideret, Senatui sententiam præstaret, in concionibus non modò se defensorem salutis meæ, sed etiam supplicem pro me profiteretur: hujus voluntatis eum, quem multum posse intelligebat, mihi non inimicum esse cognorat, socium sibi et adjutorem C. Cæsarem adjunxit. Jam vides, me tibi non inimicum, sed hostem: illis, quos describis, non modò non iratum, sed etiam amicum esse debere? quorum alter, id quod meminero semper, æquè mihi fuit amicus ac sibi: alter, id quod obliviscar aliquando, sibi amicior quàm mihi. Deinde hoc ita fit, ut viri fortes, etiam si ferro inter se cominùs decertarint, tamen illud contentionis odium simul cum ipsâ pugnâ armisque ponant. Atqui me ille odisse nunquam potuit, ne tum quidem cum dissidebamus; habet hoc virtus, [a] quam tu ne de facie quidem nosti, ut viros fortes species ejus et pulchritudo etiam in hoste posita delectet. Equidem dicam ex animo, P. C. quod sentio, et quod, vobis audientibus, sæpe jam dixi: Si mihi nunquam amicus C. Cæsar fuisset, sed semper iratus; si aspernaretur amicitiam meam, seseque mihi implacabilem, [b] inexplicabilemque præberet; tamen ei, cùm tantas res gessisset, gereretque quotidie, non amicus esse non possem; cujus ego imperio non Alpium vallum contra adscensum transgressionemque Gallorum, non Rheni fossam gurgitibus illis redundantem, Germanorum immanissimis gentibus objicio et oppono; perfecit ille, ut si montes [c] resedissent, amnes exaruissent, non naturæ præsido, sed victo-

a *cujus ne nosti quidem faciem externam.* b *inexorabilem.* c *plani essent.*

thing should be undertaken against that furious tribune by Cicero.

1. *Non eadem de Repub.*] Cicero resisted Cæsar, when he passed a law for dividing the Campanian field.

3. *Cum proximis.*] Cæsar left no means untried to induce Cicero to take part in the acts of his consulship, offering him commissions and lieutenancies of what ever kind and with what ever privileges he should desire, and to hold him in the same rank of friendship with Pompey himself, as we are told more fully in the oration *De provinc. consul.*

9. *Rescinderentur.*] The prætors, Mummius and Domitius, wished to rescind all the acts of Cæsar.

11. *Si anteposuit suam salutem meæ.*] Cæsar preferred to see Cicero going into exile, to the rescinding of his own acts.

14. *Auctori salutis meæ.*] That is when he was preparing to speak his sentiments concerning me freely.

22. *Sibi amicior quàm mihi.*] He is speaking of Cæsar.

33. *Alpium vallum.*] Italy was fortified by the Alps as with a rampart.

riâ suâ rebusque gestis Italiam munitam haberemus. Sed cùm me expetat, diligat, omni laude dignum putet; tu me à tuis inimicitiis ad simultatem revocabis? sic tuis sceleribus reipublicæ præterita fata [a] refricabis? quod quidem tu, qui bene nosses conjunctionem meam et Cæsaris, eludebas, cùm à me trementibus omnino labris, sed tamen, cur [b] tibi nomen non deferrem, requirebas. Quanquam, quod ad me attinet, [c] *Nunquam istam imminuam curam inficiando tibi:* tamen est mihi considerandum, quantum illi, tantis reipublicæ negotiis tantoque bello impedito, ego homo amicissimus, solicitudinis atque oneris imponam; nec despero tamen, quanquam languet juventus, nec perinde atque debeat in laudis et gloriæ cupiditate versatur, futuros aliquos qui abjectum hoc cadaver consularibus spoliis nudare non nolint, præsertim tam afflicto, tam infirmo, tam inervato reo; qui te ita gesseris, ut timeres ne indignus beneficio videretis, nisi ejus, à quo missus eras, simillimus extitisses.

XIV. An verò tu parùm putas investigatas esse à nobis labes imperii tui, stragesque provinciæ? quas quidem nos non vestigiis odorantes ingressus tuos, sed totis volutationibus corporis et cubilibus persecuti sumus. Notata à nobis sunt et prima illa scelera in adventu, cùm, acceptâ pecuniâ à Dyrrhachinis ob necem hospitis tui Platoris, ejus ipsius domum evertisti, [d] cujus sanguinem addixeras; eumque, servis symphoniacis et aliis muneribus acceptis, timentem et multum dubitantem confirmasti, et Thessalonicam fide tuâ venire jussisti; quem ne majorum quidem more supplicio affecisti, cùm miser ille securibus hospitis sui cervices subjicere gestiret: sed ei medico, quem tecum eduxeras, imperasti, ut venas hominis incideret: cùm equidem [e] tibi etiam accessio fuit ad necem Platoris, Pleuratus ejus comes, quem necasti verberibus, summâ senectute confectum. Idemque tu Rabocentum, Bessicæ gentis principem, cùm te trecentis talentis regi

a *renovabis.* b *non facerem te reum.* c *nunquam liberabo te ab hâc curâ.*
d *cujus vendideras vitam.* e *aujunxisti ad mortem Platoris mortem Pleurati.*

42. *Requirebas.*] Piso believed that Cicero would be deterred from accusing him through fear of his son-in-law Cæsar.

43. *Inficiando tibi.*] These words are from the Atreus of Accius the poet.

45. *Tantoque bello.*] Cæsar then carried on a war in Gaul, and against the Britons and Germans.

45. *Quanquam languet juventus.*] It has been before observed that the impeachment of corrupt magistrates was always accounted honourable at Rome, and frequently undertaken by young gentlemen in order to recommend themselves to the favour of the people, and thereby facilitate their advancement to the highest honours of the state.

50. *Indignus beneficio.*] The province of Macedonia had been decreed by Clodius to Piso, as a benefit and reward for countenancing the exile of Cicero.

Ib. *Nisi ejus.*] Clodius would not have decreed Macedonia to Piso if he had not resembled himself in his crimes.

1. *An verò tu parùm.*] Cicero now shows that crimes were not wanting, on account of which he might cite him to trial, and declares that these were sufficiently manifest.

2. *Vestigiis odorantes.*] A metaphor taken from beasts which are pursued and caught by their footsteps and wallowings.

5. *Dyrrhachinis.*] Dyrrhachium was a city in Macedonia, on the Adriatic sea, whence they sailed to Italy; it was formerly called Epidamus *hod. Durrazzo.* Here Cicero stayed during his exile until he was recalled by a decree of the senate.

7. *Servis symphoniacis.*] He had received these servants from Plator.

9. *Securibus hospitis.*] The usual punishments among the Romans were crucifixion, decapitation, and throwing from a rock.

10. *Ei medico.*] This is for Chirurgo.

14. *Regi cotto.*] Cottus or Cotys, according to Livy, was the name of the Thracian kings,

Cotta vendidisses, securi percussisti: cùm ille ad te legatus in castra venisset, et ibi magna præsidia et auxilia à Bessis peditum equitumque polliceretur: neque eum solùm, sed etiam cæteros legatos, qui simul venerant: quorum omnium capita regi Cotto vendidisti. Denseletis, quæ natio semper obediens huic imperio, etiam in illâ omnium barbarorum defectione Macedonicâ, C. Sentium Prætorem tutata est, nefarium bellum et crudele intulisti: eisque cùm fidelissimis sociis uti posses, hostibus uti acerrimis maluisti. Ita perpetuos defensores Macedoniæ, vexatores, ac perditores effecisti; vectigalia nostra perturbarunt, urbes ceperunt, vastarunt agros, socios nostros in servitutem abduxerunt, familias abripuerunt, pecus abegerunt, Thessalonicenses, cùm oppido desperassent, munire arcem coëgerunt. A te Jovis Urii fanum antiquissimum barbarorum sanctissimumque direptum est; tua scelera dii immortales in nostos milites expiaverunt: qui cùm uno genere morbi affligerentur, neque se recreare quisquam posset, qui semel incidisset; dubitabat nemo, quin violati hospites, legati necati, socii nefario bello lacessiti, fana vexata, hanc tantam efficerent vastitatem. Cognoscis ex particulâ parvâ scelerum et crudelitatis tuæ genus universum. Quid avaritiæ, quæ criminibus infinitis implicata est, summam nunc explicem? generatim ea quæ maximè nota sunt dicam; nonne sestertiùm centies et octogies, quod, quasi vasarii nomine, in venditione mei capitis adscripseras, ex ærario tibi attributum Romæ in [a] quæstu reliquisti? nonne cum CC talenta tibi Apolloniatæ Romæ dedissent, ne pecunias creditas solverent, ultro Fufidium equitem Romanum, hominem ornatissimum, creditorem debitoribus suis addixisti? nonne, hiberna cùm legato præfectoque tuo tradidisses, evertisti miseras funditùs civitates, quæ non solùm bonis sunt exhaustæ, sed etiam nefarias libidinum contumelias turpitudinesque subierunt? Qui modus tibi fuit frumenti æstimandi? qui honorarii? si quidem potest vi et metu extortum honorarium no-

[a] *fœnore.*

18. *Denseletis.*] As the Denseleti had first purchased peace at a great price, and were afterwards attacked by the Romans, they revenged themselves most eargerly.

20. *Barbarorum.*] When the Thracians made an incursion into Macedonia, and laid it waste, the Denseleti, as Sigonius says, defended Sentius, and not Sextius, and finally conquered these barbarians.

26. *Jovis Urii.*] This temple, we are told by Arrian, lay betwixt the Thracian Bosphorus, and the city Trebizond. The Jupiter Urius of the Greeks was called by tbe Romans, Jupiter Imperator.

30. *Violati hospites.*] He had slain Plator, and violated the rights of hospitality towards him.

35. *Sestertiùm centies et octogies.*] Equal to four hundred and fifty thousand crowns, each of which was equal to sixty pence.

36. *Vasarii nomine.*] All those things were called *vasarii*, which were given out of the treasury to the magistrates, who were about to go into the provinces.

Ib. *In venditione mei capitis.*] Clodius had made an agreement with Piso, that if he would assist in destroying Cicero, he would give him money from the treasury to defray the expense of his army.

37. *CC talenta.*] Equal to eleven hundred and twenty French crowns.

38. *Apolloniatæ.*] Apollonia was a city of Illyricum.

40. *Addixisti.*] Goods are said to be delivered up, when the prætor either by a second decree gives possession of the goods, that is, orders them to be taken possession of; or when he gives the goods of him who cannot pay his debts to his creditors. But Piso, instead of giving the goods of the debtors to the creditors, had done the reverse, inasmuch as the soldiers had been sent into winter quarters in the house of Fufidius.

44. *Honorarii.*] He intends that corn which was given to the prætors of the provinces, as a mark of respect.

minari; quod cùm pleræque omnes, tum acerbissimè Bœotii, et Byzantii, Chersonenses, Thessalonica sensit; unus tu dominus, unus æstimator, unus venditor totâ in provinciâ per triennium frumenti omnis fuisti. Quid ego [a] rerum capitalium quæstiones, reorum pactiones, redemptiones, acerbissimas damnationes, libidinosissimas liberationes proferam? tantùm locum aliquem cùm mihi notum esse senseris, tecum ipse licebit, quot in eo genere et quanta sint crimina, recordere. Quid? illam armorum officinam ecquid recordaris, cùm omni totius provinciæ pecore [b] compulso, pellium nomine omnem quæstum illum domesticum paternumque renovasti? videras enim grandis jam puer, bello Italico, repleri quæstu vestram domum, cùm pater armis faciendis tuus præfuisset: quid? vectigalem provinciam, singulis rebus, quæcunque venirent, certo portorio imposito, servis tuis publicanis à te factam esse meministi? quid? centuriatus palam venditos? quid? per tuum servulum ordines assignatos? quid? stipendium militibus per omnes annos à civitatibus, mensis palam propositis, esse numeratum? quid illa in Pontum profectio, et conatus tuus? quid debilitatio atque abjectio animi tui, Macedonia Prætoria nunciata, cùm tu non solum, quòd tibi succederetur, sed quòd Gabinio non succederetur, exsanguis et mortuus concidisti? quid Quæstor Ædilitius rejectus? præpositus legatorum tuorum optimus abs te quisque violatus? Tribuni militum non recepti? M. Bæbius, vir

a *judicia capitalia.* b *coacto.*

45. *Bœotii.*] The Bœotians were a people formerly celebrated for their stupidity; they were thus named from Bœotia, a country on the borders of Greece, which took its name from *bos*, the heifer, by the guidance of which, Cadmus came to the place to which he had been directed, by the oracle of Apollo.

Ib. *Byzantii.*] They were thus called from Byzantium, a city of Thrace, which was afterwards enlarged by Constantine, the great, and called Constantinople.

46. *Chersonenses.*] This Chersonesus was in Thrace at the Euxine sea, between Apollonia and Thyrrias.

48. *Reorum pactiones.*] He bargained with the accused for money to be paid by them, as the price of their freedom from condemnation.

53. *Pellium nomine.*] The workshops in which they made arms, were covered with skins, as also tents, coats of mail, and shields.

54. *Paternumque renovasti.*] In the beginning of this oration he calls his father a most furious man.

55. *Bello Italico.*] That war which was carried on by the people, when contending for the right of the city, in the year 663, was called the Massic, or the war of the allies.

56. *Vectigalem provinciam.*] Macedonia had been a free province, but Piso made it tributary.

57. *Certo portorio.*] This was a duty paid on exported wares, whence the collectors were called *portitores.*

58. *Centuriatus.*] He reproves Piso for selling the military honours which were given as a reward to the valour of the soldiers. There were six centurions in every cohort, and ten cohorts in every legion.

59. *Per tuum servulum.*] Piso had given to his own servant the power of assigning ranks, which should belong to the tribunes alone.

Ib. *Stipendium militibus.*] The soldiers' pay was received from the treasury, but Piso had kept it and commanded that other money should be advanced to pay them.

60. *Mensis propositis.*] He ordered the tables of the money changers to be placed in the doors and public ways, that the pay of the soldiers might be counted for them.

61. *In Pontum profectio.*] There is no mention made in history of what Cicero alleges in this passage. It is probable, however, that Piso's avarice prompted him to make an attempt upon Pontus, and that he was repulsed.

62. *Macedonia Prætoria.*] That Piso might be recalled from his province, it was made a prætorian province, to which the prætors were to go out immediately.

64. *Quæstor Ædilitius, rejectus.*] Piso rejected one who had been *ædile*, and pre-

fortis, interfectus jussu tuo? quid, quòd tu toties diffidens ac desperans rebus tuis, in sordibus, lamentis, luctuque jacuisti? quòd populari illi sacerdoti sexcentos ad bestias amicos sociosque misisti?

XV. Quid, quòd cùm sustentare vix posses mœrorem tuum, doloremque decessionis, Samothraciam te primùm, post inde Thasum cum tuis teneris saltatoribus, et cum Autobulo, Athamante et Timocele, formosis fratribus, contulisti? quid, quòd cum inde te recipiens, in villâ Euchadiæ, quæ fuit uxor Exegisti, jacuisti, mœrens aliquot dies; atque inde [a] obsoletus Thessalonicam, omnibus inscientibus noctuque venisti? qui cum concursum plorantium, ac tempestatem querelarum ferre non posses, in oppidum devium Beroëam profugisti: quo in oppido cùm tibi spe falsa, quòd Q. Ancharium non esse successurum putares, animos rumor inflasset; quo te modo ad tuam intemperantiam, scelerate, innovasti? Mitto aurum coronarium, quod te diutissimè torsit; cùm modò velles, modò nolles; lex enim generi tui et decerni, et te accipere vetabat, nisi decreto triumpho; in quo tu, acceptâ tamen et devoratâ pecuniâ, ut in Achæorum centum talentis, evomere non poteras: vocabula tantùm, pecuniarum, et genera mutabas. Mitto diplomata totâ in provinciâ passim data: mitto numerum navium, [b] summamque prædæ: mitto rationem exacti imperatique frumenti: mitto ereptam libertatem populis, ac singulis, qui erant affecti præmiis nominatim: quorum nihil est, quod non sit lege Juliâ, ne fieri liceat, sancitum diligenter. Ætoliam, quæ procul à barbaris

a *sordidus.* b *magnamque prædam.*

ferred one of his own lieutenants, who was a very base man, for his quæstor. For, notwithstanding that the quæstors were appointed by lot, if they were not acceptable to the proconsuls they could reject them.

68. *Populari illi sacerdoti.*] He calls Clodius a priestess, because, in a woman's dress, he had crept into the secret places of the goddess Bona, where the matrons used to perform sacred rites for the Roman people.

69. *Ad bestias.*] Piso sent many from his province, to fight with the beasts in those games, which the friends of P. Clodius exhibited to the people. In this he accuses him of cruelty and infidelity, because he had sent for that purpose the allies and friends of the Roman people.

2. *Thasum.*] An island in the Ægean sea.

7. *Concursum plorantium.*] He intends those who were troubled by Piso.

8. *Beroëam.*] Beroea was a city of Macedonia, near to Thracia and Thessalonica. Some copies have *Beræam.*

9. *Ancharium.*] The successor of Piso in the province of Macedonia.

11. *Aurum coronarium.*] The money for the triumphal crown was so called because it was given by the conquered nations. This the generals exacted as the price of life, or as Gellius says, *lib. 5. cap.* 6. *Triumphales coronæ sunt aureæ quæ imperatoribus ob honorem triumphi mittuntur. Hæ antiquitùs è lauro erant postea fieri ex auro cæptæ.*

12. *Lex enim generi tui.*] This law, which had been passed by Julius Cæsar, forbade any one who was in a province to accept money from any person, except for a temple or monument.

14. *Ut in Achæorum.*] Thus Furnebus, Gruterus, and Grævius restore the word from the manuscripts. The ancient editions read Utinachorum, which word is no where found. But Cicero, in his oration *de Prov. Cons. c.* 3. says, "Who is ignorant that the Achæans paid a great sum of money to Lucullus annually?"

15. *Evomere non poteras.*] A metaphor, by which he shows that he could not repay that which had been taken from the province.

Ib. *Vocabula tantùm.*] He did not call that money which he had received crown money, but by some other name.

16. *Mitto diplomata.*] The edicts and commands of princes, confirmed with the royal seal. We commonly call them letters patent.

17. *Imperatique frumenti.*] The provincials were commanded to give corn, to support the procosul's army.

20. *Ætoliam.*] Ætolia was a small kingdom of Achaia, adjoining Epirus, Acarnania, and Locris.

disjucta gentibus, in sinu pacis posita, medio ferè Græciæ gremio continetur (ô pœna, ô furia sociorum!) decedens miseram perdidisti. Arsinoën, Stratum, Naupactum, ut modò tute indicasti, nobiles urbes atque plenas, fateris ab hostibus esse captas; quibus autem hostibus? nempe iis, quos tu Ambraciæ sendens, primo tuo adventu ex oppidis Agrinarum atque Dolopum demigrare, et aras et focos relinquere coegisti. Hoc tu in exitu, præclare imperator, cùm tibi ad pristinas clades accessio fuisset Ætoliæ repentinus interitus, exercitum dimisisti: neque ullam pœnam, quæ tanto facinori deberetur, non maluisti subire, quàm numerum tuorum militum reliquiasque cognoscere. Atque ut duorum Epicureorum similitudinem in re militari imperioque videatis; Albucius, cùm in Sardiniâ triumphasset, Romæ damnatus est: hic cùm similem exitum speraret, in Macedoniâ tropæa posuit: eaque, quæ bellícæ laudis victoriæque omnes gentes insignia et monumenta esse voluerunt, noster hic præposterus imperator, amissorum oppidorum, cæsarum legionum, provinciæ præsidio et reliquis militibus orbatæ, ad sempiternum dedecus sui generis et nominis funesta indicia constituit; idemque, ut esset, quod in basi tropæorum incidi inscribique posset, Dyrrhachium ut venit, decedens, obsessus est ab iis ipsis militibus, quos paulò ante Torquato respondit beneficii causâ abs se esse dimissos; quibus cùm juratus affirmasset, se, quæ deberentûr, postero die persoluturum, domum se abdidit: inde nocte intempestâ, crepidatus, veste servili, navem conscendit, Brundusiumque vitavit, et ultimas Hadriani maris oras petivit: cùm interim Dyrrhachii milites domum, in quâ istum esse arbitarbantur, obsidere cœperunt, et cùm latere hominem putarent, ignes circumdederunt; quo metu commoti Dyrrhachini, profugisse noctu crepidatum imperatorem indicaverunt; illi autem statuam istius persimilem, quam stare celeberrimo in loco voluerat, ne suavissimi hominis memoria moreretur, deturbant, affligunt, comminuunt, dissipant; sic odium, quod in ipsum attulerant, id in ejus imaginem ac simulacrum profuderunt.

PERORATIO.

Peroratio conficitur brevi enumeratione eorum omnium quæ per totam orationem sparsa sunt.

XVI. Quæ cùm ita sint, non dubito, quin, cùm hæc, quæ excel-

23. *Arsinoën, Stratum, Naupactum.*] The first of these was a city in Ætolia; the second, Acarnania, in Thrace; the third the capital of Ætolia, in Lepanto.

25. *Ambraciæ.*] Ambracia was a famous city of Thesprotia, in Epirus, near the river Acheron. After Augustus had conquered M. Antony, in memory of his victory, he called this city Nicopolis.

26. *Agrinarum et Dolopum.*] The former of these inhabited Ætolia, the latter Epirus.

31. *Duorum Epicureorum.*] He intends Albucius and Piso; concerning Albucius see *Orat. de Prov. Cons.*

33. *Tropæa posuit.*] These trophies of warlike valour were at first nothing more than the trunks of trees, decorated with the spoils of the enemy; afterwards they were built of stone. But in the latter times of the Romans, when the names and glory of their generals flourished, magnificent arches, sculptured all round with their victories, were erected, instead of trophies.

40. *Beneficii causâ abs se esse dimissos.*] There were four kinds of dismissions; *honesta*, *ignominiosa*, *gratiosa*, and *causaria*. *Honesta* was given with deserved rewards; *ignominiosa* was given as a punishment: *gratiosa*, as a favour; *causaria*, on account of disease.

43. *Crepidatus.*] The Greeks used the lady's slipper.

44. *Hadriani maris.*] Italy was washed on the north by the Adriatic sea, and by the Tuscan on the south.

lunt, me nosse videas, non existimes, mediam illam partem et turbam flagitiorum tuorum mihi esse inauditam; nihil est, quod me hortere; nihil est, quod invites; admoneri me satis est; admonebit autem nemo alius, nisi reipublicæ tempus: quod mihi quidem magis videtur, quàm tu unquam arbitratus es, appropinquare. Ecquid vides, ecquid sentis lege judiciariâ latâ, quos posthac judices simus habituri? non æque legetur, quisquis voluerit; nec, quisquis noluerit, non legetur; nulli conjicientur in illum ordinem. nulli eximentur: non ambitio ad gratiam, non iniquitas ad simulationem conjicietur; judices judicabunt ii, quos lex ipsa, non quos hominum libido delegerit. Quod cùm ita sit, mihi crede, neminem invitus invitabis: res ipsa, et reipublicæ tempus, aut me ipsum, quod nolim, aut alium quempiam, aut invitabit, aut dehortabitur. Equidem, ut paulò ante dixi, non eadem supplicia esse in hominibus existimo, quæ fortasse plerique, damnationes, expulsiones, neces; denique nullam mihi pœnam videtur habere id, quod accidere innocenti, quod forti, quod sapienti, quod bono viro et civi potest. Damnatio ista, quæ [a] in te flagitatur, obtigit P. Rutilio: quod specimen habuit hæc civitas innocentiæ. Major mihi judicum, et reipublicæ pœna illa visa est, quàm Rutilii. L. Opimus ejectus est patriâ, is qui Prætor et Consul maximis rempubl. periculis liberabat; non in eo, cui facta est injuria, sed in iis qui fecerunt, sceleris ac conscientiæ pœna remansit. At contra bis Catilina absolutus: emissus etiam ille auctor tuus provinciæ, cùm stuprum Bonæ Deæ pulvinaribus intulisset; quis fuit in tantâ civitate, qui illum incesto liberatum, non eos, qui ita judicarunt, pari scelere obstrictos arbitraretur? An ego expectem, dum de te quinque et septuaginta

a *quæ exigitur in te.*

3. *Nihil est, quod me hortere.*] Cicero shows, that there was no reason why Piso should encourage him to commence a suit against him. As this was not the time, for Cæsar, perhaps, who was now detained in Gaul by the most severe wars, might be offended.

7. *Lege judiciariâ.*] The law here refered to was that promulgated by Pompey, in his second consulship, in which this oration was delivered: whereby the judges were to be chosen otherwise than formerly, out of the richest in every century; confined, however, to the senatorian and equestrian orders, together with the *tribuni ærarirû*, according to the Aurelian law.

Ib. *Non æque legetur.*] Pompey, in addition to the former law, decreed that there should be seventy-five judges chosen from the centuries, and that no one should free himself for the court, or introduce himself by favour or fraud.

10. *Ad simulationem conjicietur.*] He refers to the manner in which the judges, who, being chosen by favour, or through a pretence of honesty, were cast into the number, that is, were ranked in wards; but, by this all fraud which was committed under the appearance of probity and justice will be removed from the courts.

12. *Invitus invitabis.*] He says this, because Piso, though unwilling, had invited Cicero to bring a suit against him.

13. *Quod nolim.*] Cicero declined bringing a suit against Piso, lest he should displease Cæsar, his son-in-law.

15. *Quæ fortasse plerique.*] *Existimant* is understood; condemnations and expulsions are not always true punishments, because they may happen to good men.

18. *P. Rutilio.*] Rutilius was condemned by the knights for extortion, who were very much offended at him, because, being quæstor to Q. Mucius in Asia, he had defended that province from the frauds of the publicans.

20. *L. Opimius.*] L. Opimius, the prætor, took Fregellæ, and razed it to the foundation; by which action he restrained the other Latin allies who were in a disaffected state. Being consul, he oppressed Fulvius Flaccus, a man of consular dignity, who had triumphed, and C. Gracchus, a tribune, who were hated by the nobility. The knights taking this ill, accused him, and sent him into exile.

23. *Bis Catilina absolutus.*] Catiline was accused of extortion when he returned from Africa, by young Clodius, and of incest with Fabia, a vestal virgin.

24. *Emissus etiam.*] Clodius, from

tabellæ diribeantur, de quo jampridem omnes mortales omnium generum, ætatum, ordinum judicaverunt? quis enim te aditu, quis ullo honore, quis denique communi salutatione dignum putet? omnes memoriam consulatûs tui, facta, mores, faciem denique ac nomen à republicâ detestantur. Legati, qui unà fuere, alienati; tribuni militum inimici: centuriones, et si qui ex tanto exercitu reliqui milites existunt, non dimissi abs te, sed dissipati te oderunt, tibi [a] pestem exoptant, te execrantur. Achaia exhausta: Thessalia vexata: laceratæ Athenæ: Dyrrhachium et Apollonia exinanita: Ambracia direpta: Parthini et Bullienses illusi; Epirus excisa; Locri, Phocii, Bœotii exusti: Acarnania, Amphilochia, Perrhœbia, Athamanumque gens, vendita: Macedonia [b] condonata barbaris: Ætolia amissa: Dolopes finitimique montani oppidis atque agris exterminati: cives Rom. qui in iis locis negotiantur, te unum solum suum [c] depeculatorem, vexatorem, prædonem, hostem, venisse senserunt. Ad horum omnium judicia tot atque tanta, domesticum judicium accessit sententiæ damnationis tuæ: occultus adventus, furtivum iter per Italiam, introitus in urbem desertus ab amicis, nullæ ad Senatum è provinciâ literæ, nulla ex trinis æstivis gratulatio, nulla triumphi mentio: non modò, quid gesseris, sed ne quibus in locis quidem fueris, dicere audes. Ex illo fonte et seminario triumphorum cùm arida folia laureæ retulisses, cùm ea abjecta ad portam reliquisti, tum tu ipse de te FECISSE VIDERI pronunciavisti: qui si nihil gesseras dignum honore, ubi exercitus? ubi sumptus? ubi imperium? ubi illa uberrima supplicationibus triumphisque provincia? sin autem aliquid sperare volueras, si cogitaras id, quod imperatoris nomen, quod laureati fasces, quod illa tropæa, plena dedecoris et risûs, te [d] commentatum esse decla-

a *mortem.* b *concessa.* c *latronem.* d *cogitavisse.*

whom Piso obtained Macedonia, had also escaped condemnation.

28. *Diribeantur.*] That is, they are distributed or separated; this word was used not only in the *comitia* but also in the courts. They separated in the *comitia* when the votes of those voting against any measures were separated from those voting for it; and in the courts when the condemnatory tablets were separated from those of acquittal.

32. *Detestantur.*] All detested Piso as a bad omen.

36. *Athenæ.*] Athens was a city of Greece, between Macedonia and Achaia, on that part of the coast called at first Acta, and afterwards Attica.

Ib. *Dyrrhachium.*] A city of Macedonia on the Adriatic sea.

37. *Parthini.*] A people of Macedonia. Pliny *lib.* 3. *cap.* 23.

Ib. *Bullienses.*] A people of Macedonia, not far from Apollonia, their city was called Bullis, and lay in that part next the Adriatic sea.

Ib. *Epirus.*] A country on the borders of Greece, bounded on the east by the river Achelous, on the west by the Acroceraunian mountains, on the north by Macedonia, and on the south by the Ionian sea.

Ib. *Locri.*] A people of Achaia, called Ozolæ by Pausanias.

Ib. *Phocii.*] A people of Achaia, between Bœotia and Ætolia.

38. *Acarnania,* &c.] Acarnania was a part of Epirus, now Carni; Amphilochia was a small country bordering upon Acarnania; Perrhœbia was a town of Macedonia: the Athamanes were a people of Ætolia.

40. *Finitimique montani.*] Macedonia was bounded on the north by mount Mæsia.

43. *Domesticum judicium.*] That decision of Piso, by which he condemned himself, when he entered the city without any retinue, &c.

46. *Trinis æstivis.*] By these words he intends the three years during which Piso governed in Macedonia, without the praise of having obtained a victory.

49. *Fecisse videri.*] This is a form of words, made use of by the judges when they condemned a criminal.

54. *Tropæa, plena dedecoris.*] He had

rant: quis te miserior? quis te damnatior, qui neque scribere ad Senatum à te bene rempublicam esse gestam, neque præsens dicere ausus es? An tu mihi (cui semper ita persuasùm fuerit, non eventis, sed factis cujusque fortunam ponderari, neque in tabellis paucorem judicum, sed in sententiis omnium civium famam nostram fortunamque pendere) te indemnatum videri putas, quem socii, quem fœderati, quem liberi populi, quem stipendiarii, quem negotiatores, quem publicani, quem universa civitas, quem legati, quem tribuni militares, quem reliqui milites, qui ferrum, qui famem, qui mortem effugerunt, omni cruciatu dignissimum putant? cui non apud Senatum, non apud ullum ordinem, non apud equites Romanos, non in urbe, non in Italiâ maximorum scelerum venia ulla ad ignoscendum dari possit? qui se ipsum oderit, qui metuat omnes, qui suam causam nemini committere audeat, qui se ipse condemnet? Nunquam ego sanguinem expetivi tuum: nunquam illud extremum, quod posset esse improbis et probis commune, supplicium legis ac judicii: sed abjectum, contemptum, despectum à cæteris, à te ipso desperatum et relictum, circumspectantem omnia, quidquid increpuisset, pertimescentem, diffidentem tuis rebus, sine voce, sin libertate, sine auctoritate, sine ullâ specie Consulari, horrentem, trementem, adulantem omnes videre te volui: vidi. Quare si tibi evenerit quod metuis, ne accidat; equidem non molestè feram: sin id tardiùs forte fiet, fruar tamen tuâ indignitate: nec minùs libenter metuentem videbo, ne reus fias, quàm reum: nec minùs lætabor, cùm te semper sordidum, quàm si paulisper sordidatum viderem.

erected a monument to his own disgrace, as it did not perpetuate the remembrance of victories which he had obtained, but of cities which he had destroyed.

56. *Bene rempub. esse gestam.*] This was the formula used in thanksgiving, decreeing, petitioning, and even in triumphing.

60. *Fœderati.*] Those called federated were not otherwise distinguished from allies, than that by covenant they owed something to the Roman people. When the exigencies of the republic demanded it, according to promise, they were to send aid at their own expense.

61. *Liberi.*] They were called a free people who neither received laws from the Roman people, nor were subject to their decisions.

PRO

T. ANNIO MILONE.

T. Annius Milo, Q. Metellus Scipio, and P. Plautius Hypsœus, stood candidates for the consulship, A. U. C. 701. Their respective claims were urged with the utmost eagerness; violence was often committed where obstacles seemed to present themselves to the views of the candidates, and money was used with as much profusion, as if their elections were to be gained by bribery alone. P. Clodius stood as candidate at the same time for the prætorship, and exerted all his influence to frustrate the expectations of Milo, who was professedly his enemy, and who, he was well aware, would use his utmost exertions to oppose him, if elected, in the exercise of his consulship. The Senate and the more influential part of the community were friendly to Milo's interest, and Cicero in particular, employed all his influence to support him. Of the tribunes, three were against him, and seven in his favour. But whil ematters seemed so favourable, his hopes were blasted by an unhappy rencontre with Clodius. Happening to meet on the Appian way, not far from the city, a quarrel ensued, and Clodius was killed on the spot by the servants of Milo. This occurrence was the cause of so much public excitement, and so many outrages, that the Senate were obliged to pass a decree, that the inter-rex, assisted by the tribunes and Pompey, should take care that the republic received no detriment; and, that Pompey, in particular, should raise a body of troops for the common security. Amidst this confusion, the rumor of a dictator being industriously spread, and alarming the Senate, they resolved presently to create Pompey the single consul, whose election was accordingly declared by the inter-rex, after an interregnum of near two months.

Pompey applied himself immediately to quiet the public disorders, and published several new laws prepared by him, for that purpose; one of which was to appoint a special commission, to inquire into Clodius' death, and to appoint a judge of consular rank to preside in it. He attended Milo's trial himself with a strong guard to preserve peace. The accusers were young Appius, the nephew of Clodius, M. Antonius, and P. Valerius. Cicero was the only advocate on Milo's side; but as soon as he rose to speak, he was received with so rude a clamour by the friends of Clodius that he was much discomposed and daunted at his first setting out: he recovered spirit enough, however, to go through his speech, which was taken down in writing, and published as it was delivered, though the copy of it now extant is supposed to have been retouched and corrected by him afterwards, for a present to Milo, who was condemned, and went into exile at Marseilles, a few days after his condemnation, *Anno Ciceronis* 54.

EXORDIUM.

Exorditur Cicero ab adjunctis hujus judicii.

I. ETSI vereor, Judices, ne turpe sit, pro fortissimo viro dicere incipientem timere; minimeque [a] deceat, cùm T. Annius [Milo] ipse magis de reipub. salute, quàm de suâ perturbetur, me ad ejus causam parem animi magnitudinem afferre non posse; tamen hæc

INTERPRETATIO.

a *decorum sit.*

NOTES.

3. *Quàm de suâ perturbetur.*] It was customary for persons under an accusation, to appear in a mean dress. But as Milo had come in his usual splendid garments, he run the risk of offending the judges. To remove this enmity and conciliate the favour of the judges, Cicero says that he was not so much disturbed on account of his own as for the safety of the republic, for he feared that a tumult should be raised in the city on his account.

novi judicii nova forma terret oculos, qui quocunque [a] inciderunt, veterem consuetudinem fori, et pristinum morem judiciorum requirunt: non enim coronâ consessus vester cinctus est, ut solebat; non usitatâ frequentiâ stipati sumus; nam illa præsidia, quæ [b] pro templis omnibus cernitis, etsi contra vim collocata sunt, non afferunt tamen oratori aliquid; ut in foro et in judicio, quanquam præsidiis salutaribus et necessariis septi sumus, tamen [c] ne non timere quidem sine aliquo timore possimus; quæ si opposita Miloni putarem, cederem tempori, Judices, nec inter tantam vim armorum existimarem oratori locum esse; sed me recreat et reficit Cn. Pompeii, sapientissimi et justissimi viri, consilium: qui profectò nec justitiæ suæ putaret esse, quem reum sententiis judicum tradidisset, eundem telis militum [d] dedere; nec sapientiæ, [e] temeritatem concitatæ multitudinis auctoritate publicâ armare. Quamobrem illa arma, centuriones, cohortes, non periculum nobis, sed præsidium denunciant: neque solùm, ut quieto, sed etiam ut magno animo simus, hortantur: neque auxilium modò defensioni meæ, verùm etiam silentium pollicentur. Reliqua verò multitudo, quæ quidem est civium, tota nostra est: neque eorum quisquam, quos undique intuentes ex hoc ipso loco cernitis, unde aliqua pars fori aspici potest, et hujus [f] exitum judicii expectantes, videtis, non cùm virtuti Milonis favet, tum de se, de liberis suis, de patriâ, de fortunis hodierno die [g] decertari putat. Unum genus est adver-

a *respexerunt.* b *in.* c *ne possimus quidem audere sine aliquo timore.*
d *exponere.* e *audaciam commotæ plebis.* f *eventum.* g *contendi.*

5. *Novi judicii.*] He calls this a new trial, because the mode of procedure was unusual. 1. Because a special commission had been appointed by Pompey to inquire concerning the death of Clodius, for whom Appius Clodius, a young man, had said, one hundred and one days after the murder, that Milo had laid snares. 2. Because he had declared, that three days should be spent in hearing the witnesses, and that the judges should take down their testimony, and that on the fourth day, all should be ordered to be present on the following day, when the judges were produced before the accuser, and the accused. On the following day there was a choice by lot of eighty-one judges, which was the number drawn in a previous lot, these immediately commenced their sessions, then the accuser had two hours granted him for speaking, and the accused three, after which, on the same day, sentence was given. But before the decision was given, the accused rejected five of the judges out of each order, and the accuser as many, so that there were only fifty one judges left to bring in their verdict. 3. Because the presiding judge was not a prætor, as was usual, but L. Domitius Œnobarbus, a man of consular dignity, who had been chosen by the people.

Ib. *Nova forma.*] The form of the trial was new, because Pompey had placed armed men in the forum, and in the surrounding temples.

7. *Non enim coronâ.*] When this cause was tried a great number of citizens collected and stood around the judges' seats, both that they might hear the orators, and see the result of the trial.

9. *Contra vim.*] To procure the favour of Pompey to himself and Milo, he says, that these guards were placed around to prevent the friends of Clodius from committing any violence.

11. *Sine aliquo timore.*] Plutarch informs us that Cicero was always afraid when he began to speak. On this account Milo, fearing that he would be disturbed by the presence of the armed soldiers, persuaded him to come upon his couch, and rest until the judges were present; but, notwithstanding this, when he saw the armed soldiers, with which the forum was surrounded, he commenced in a tremulous manner.

17. *Auctoritate publicâ.*] The authority was altogether vested in the hands of Pompey, to conciliate whose favour Cicero says, that he would not abuse it to oppress Milo.

18. *Cohortes.*] There were six hundred soldiers in a cohort.

22. *Quæ quidem est civium.*] The Clodian party consisted principally of a set of abandoned, low, and profligate wretches, whom Clodius by his rapines had gained over to his interest. To these Cicero does not allow the name of citizens, on account of their infamous characters and seditious practices.

sum infestumque nobis, eorum quos P. Clodii furor rapinis, incendiis, et omnibus exitiis publicis pavit: qui hesternâ etiam concione incitati sunt, ut vobis voce [a] præirent, quid judicaretis; quorum clamor, si quis forte fuerit, admonere vos debebit, ut eum civem retineatis, qui semper genus illud hominum, clamoresque maximos pro vestrâ salute neglexit. Quamobrem adeste animis, Judices, et timorem, si quem habetis, deponite. Nam si unquam de bonis et fortibus viris, si unquam de bene meritis civibus potestas vobis judicandi fuit: si denique unquam [b] locus amplissimorum ordinum delectis viris datus est, ubi sua studia erga fortes et bonos cives, quæ vultu et verbis sæpe significassent, re et sententiis declararent; hoc profectò tempore eam potestatem omnem vos habetis, ut statuatis, utrum nos, qui semper vestræ auctoritati dediti fuimus, semper miseri lugeamus; an diu vexati à perditissimis civibus, aliquando per vos ac vestram fidem, virtutem, sapientiamque recreemur. Quid enim nobis duobus, Judices, laboriosius? quid magis solicitum, magis exercitum dici aut fingi potest? qui spe amplissimorum præmiorum ad rempublicam adducti, metu crudelissimorum suppliciorum carere non possumus. Equidem cæteras [c] tempestates et procellas in illis duntaxat [d] fluctibus concionum semper putavi Miloni esse subeundas, quòd semper pro bonis contra improbos senserat; in judicio verò et in eo concilio in quo ex cunctis ordinibus amplissimi viri judicarent, nunquam existimavi spem ullam esse habituros Milonis inimicos, ad ejus non salutem modò [e] extinguendam. sed itam gloriam per tales viros [f] infringendam.

PROPOSITIO.

Proponit quod jure Milo occidit Clodium; 1. quia Clodius fuit insidiator: 2. quia perniciosus fuit Reipublicæ civis.

II. Quanquam in hac causâ, Judices, T. Annii tribunatu, rebusque

a *præscriberent.* b *occasio.* c *contentiones.*
d *commotionibus.* e *perdendam.* f *minuendam.*

28. *Exitiis.*] Clodius had injured the republic, by the frequent seditions which he had excited in the forum, but chiefly when they deliberated concerning the return of Cicero, for he then attacked the people with gladiators, by whom many of them were slain.

Ib. *Hesternâ etiam concione.*] Munatius Plancus, a tribune of the people, the very day before this oration was delivered exhorted the people to be at the assembly, that Milo might not escape.

35. *Amplissimorum ordinum.*] The judges in this trial were chosen by Pompey, from the senatorian and equestrian orders; and from the tribunes of the treasury; and Asconius tells us, that they were persons of great abilities, and unquestionable integrity.

38. *Ut statuatis.*] In bringing their decision they ought to determine, whether the good were always to be condemned or acquitted by the bad.

39. *Vestræ auctoritati dediti fuimus.*] Cicero was always devoted to the senate and equestrian order, whose authority he defended against the seditions of the Clodians.

40. *Ac vestram fidem.*] By *fidem* he intends the oath by which the judges bound themselves to decide uprightly, next to which they were bound by the solemnities of their religion.

41. *Quid enim nobis duobus,* &c.] He endeavours to excite the commisseration of the judges towards himself and Milo, on account of the labours to which each of them had been subjected by the Clodians.

43. *Spe amplissimorum præmiorum.*] He intends the honours or magistracies which Milo by his virtue had obtained; for he had been a tribune, and now sought the consulship.

44. *Crudelissimorum suppliciorum.*] Clodius had always endeavoured to injure Milo, and now, when he were dead, the Clodians, who inherited his fury, meditated the destruction of Milo.

1. *Annii tribunatu.*] Milo was made tribune in the year following the tribuneship of Clodius.

Ib. *Rebusque.*] Milo, when tribune,

omnibus pro salute reipublicæ gestis, ad hujus criminis defensionem non [a] abutemur, nisi oculis videritis insidias Miloni à Clodio esse factas: nec deprecaturi sumus, ut crimen hoc nobis, multa propter præclara in rempublicam merita, [b] condonetis: nec postulaturi, ut, si mors P. Clodii salus vestra fuerit, idcirco eam virtuti Milonis potiùs quàm populi Romani felicitati assignetis; sin illius insidiæ clariores hâc luce fuerint, tum denique obsecrabo obtestaborque vos, Judices, si cætera amisimus, hoc saltem nobis ut relinquatur, ab inimicorum audaciâ telisque vitam ut impunè liceat defendere.

CONFUTATIO.

Continet hæc refutatio tria præjudicia, quæ contra Milonem à Clodianis jactabantur. Primum, nefas esse ei vivere, qui à se hominem interfectum esse fateatur. Secundum, Milonem jam damnatum esse Senatûs judicio. Tertium, eundem Milonem esse damnatum sententiâ Cn. Pompeii.

III. Sed antequam ad eam orationem venio, quæ est propria nostræ quæstionis, videntur ea esse refutanda, quæ et in Senatu ab inimicis sæpe jactata sunt, et in concione sæpe ab improbis, et jam paulò ante ab accusatoribus, ut omni errore sublato, rem planè, quæ venit in judicium, videre possitis. Negant intueri lucem esse fas ei, qui à se hominem occisum esse fateatur. In quâ tandem urbe hoc homines stultissimi disputant? nempe in eâ, quæ primum judicium de capite vidit M. Horatii, fortissimi viri: qui nondum libera civitate, tamen populi Romani comitiis liberatus est, cùm suâ manu sororem interfectam esse fateretur. An est quisquam qui hoc ignoret, cùm de homine occiso quæratur, aut negari solere omnino esse factum; aut rectè ac jure factum esse defendi? Nisi verò existimatis dementem P. Afri-

a *utemur.* b *remittatis.*

had restrained the seditions excited by the Clodians, and had taken care that Cicero should be recalled from exile.

1. *Nostræ quæstionis.*] A public trial is called an inquiry, because in it the accused is called into court, and asked whether he is guilty or not guilty.

5. *Negant.*] The three tribunes who were in opposition to Milo, declared for his being put to death; alleging, that a man who confesses that he has killed another should not be allowed to live. Cicero refutes this argument in a very artful manner, by producing several parallel cases from the history of Rome.

8. *Horatii, fortissimi viri.*] During the reign of Tullus Hostilius, when the Curatii in an engagement had killed two of the Horatii, M. Horatus himself slew the three Curatii. As he was returning from so great a victory, in a sort of triumph, his sister, who was to have been married to one of the Curatii, weeping and complaining for the death of her husband, and the victory of the Romans, met him. Her brother was enraged at this, and slew her; but, being taken into custody on that account, he was liberated when he appealed to the people.

Ib. *Nondum liberâ civitate.*] At that time Rome was under the government of kings.

9. *Populi Romani comitiis.*] The *comitia* were assemblies of the Roman people, held in the city, near the forum and senate house, thence called the *comitium*, where orations were also delivered to the people. But the *comitia* for electing magistrates were held in the Campus Martius.

12. *Dementem Pub. Africanum.*] T. Livy, *epist. lib.* 58. thus explains that action. Tiberius Gracchus, after exciting many seditions, and wishing again to be elected tribune, was, at the instance of Pub. Cornelius Nasica, slain by the nobles, in the Capitol; being first struck with the fragments of the benches, he,

canum fuisse, qui cùm à C. Carbone, tribuno-plebis in concione seditiosè interrogaretur, quid de Tiberii Gracchi morte sentiret, respondit, jure cæsum videri. Neque enim posset aut Ahala ille Servilius, aut P. Nasica, aut L. Opimius, aut C. Marius, aut, me Consule, Senatus non nefarius haberi, si sceleratos cives interfici nefas esset. Itaque hoc, Judices, non sine causâ etiam fictis fabulis doctissimi homines memoriæ prodiderunt, eum, qui patris ulciscendi causâ matrem necavisset, variatis hominum sententiis, non solum divinâ, sed etiam Deæ sapientissimæ sententiâ liberatum. Quod si duodecim tabulæ nocturnum furem quoquo modo; diurnum autem, si se telo defenderit, interfici impunè voluerunt; quis est, qui, quoquo modo quis interfectus sit, puniendum putet, cùm videat aliquando gladium nobis ad occidendum hominem ab ipsis porrigi legibus? Atqui si tempus est ullum jure hominis necandi, quæ multa sunt, certe illud est non modò justum, verùm etiam necessarium, cùm vi vis illata defenditur. Pudicitiam cùm eriperet militi tribunus militaris in exercitu C. Marii, propinquus ejus imperatoris, interfectus ab eo est, cui vim afferebat;

among others who were slain in that sedition, remained unburied, and was thrown into the Tiber.

13. *Carbone, Tribuno.*] After the destruction of Numantia, Carbo, a tribune of the people, passed a law, that the same tribune might be elected as often as he pleased; but P. Africanus dissuaded him from this measure, in a very grave speech, in which he said, that it appeared to him that Tib. Gracchus had been slain according to law.

Ib. *Seditiosè interrogabat.*] He asked him for a seditious purpose, because he hoped that he would have given another answer, as he was married to Sempronia, the sister of Gracchus.

15. *Ahala ille Servilius.*] When the Roman people were suffering with famine, Spurius Melius, a knight, gave them corn at his own expense, and by that action having conciliated the favour of the people, he aspired to the kingdom, but was slain by C. Servilius Ahala, master of the horse, at the command of Cincinnatus, the dictator in the year of the city 314.

16. *Aut P. Nasica.*] When Tiberius Gracchus, having obtained the favour of the people by profuse largesses in his tribuneship, oppressed the republic the senate being convened in the temple of Fides by the consul Mucius Scævola, decreed, that the consul should defend the republic by the force of arms. But Scævola refusing to obey the decree, Scipio Nasica offered himself as a leader, and issued the following proclamation: "Let those who wish well to the republic follow me;" accordingly Gracchus, with his faction, was slain in the year of the city 620.

Ib. *L. Opimius.*] Opimius slew C. Gracchus, the brother of Tiberius, exciting new seditions in the year of the city 632.

Ib. *C. Marius.*] C. Marius slew Saturninus.

19. *Qui patris.*] He speaks of Orestes, who had killed his mother Clytemnestra, because she had killed his father Agamemnon. When he was brought to trial, the opinions of the judges being different, there was an inquiry of the gods concerning him, and Minerva judged that he should be acquitted.

20. *Variatis hominum sententiis.*] In the Areopagus, Orestes was condemned by sixteen of the judges, and acquitted by fifteen. When the vote of Minerva was taken, the number being equal on both sides, he was acquitted.

21. *Deæ sapientissimæ*] Minerva was considered to be the goddess of wisdom.

Ib. *Quod si duodecim tabulæ.*] The laws of the twelve tables were those which had been passed by the decemvirs, and were engraven on twelve brazen tables. But this law was passed against theft, concerning which, see Macrobius *lib.* 1. Saturn. *Si nox furtum factum sit, si im* (i. e. *eum.*) *aliquis occidit, jure cæsus esto.* But in the ancient idiom, these words were placed for, *nocte, eum, occidit.*

22. *Quoquo modo.*] Whether he defended himself with a weapon or not, without any exception it was lawful to kill him, but here a weapon is taken for a dagger or any small sword.

28. *Pudicitiam cùm eriperet.*] This military tribune, according to Plutarch, who relates the story, was C. Lucius, the nephew of Marius. He made several unnatural attempts upon the body of one Trebonius, a private soldier, who, at last, to save his honour, put the infamous wretch to death, and when he was summoned be-

facere enim probus adolescens periculosè, quàm perpeti turpiter maluit: atque hunc ille vir summus scelere solutum periculo liberavit. Insidiatori verò et latroni quæ potest inferri injusta nex? Quid comitatus nostri, quid gladii volunt? quos habere certe non liceret, si uti illis nullo pacto liceret. Est enim hæc, Judices, non scripta, sed nata lex: quam non didicimus, accepimus, legimus, verùm ex naturâ ipsâ arripuimus, hausimus, expressimus; ad quam non docti, sed facti; non instituti, sed imbuti sumus: ut si vita nostra in aliquas insidias, si in vim, si in tela aut latronum, aut inimicorum incidisset; omnis honesta ratio esset [a] expediendæ salutis. Silent enim leges inter arma, nec se expectari jubent, cùm ei qui expectare velit, antè injusta pœna [b] luenda sit, quàm justa repetenda. Etsi persapienter, et quodammodo tacitè, dat ipsa lex potestatem defendendi; quæ non modò hominem [c] occidi, sed esse cum telo hominis occidendi causâ vetat: ut, cum causa, non telum quæreretur, qui sui defendendi causâ telo esset usus, non hominis occidendi causâ habuisse telum judicaretur. Quapropter hoc maneat in causâ, Judices; non enim dubito quin probaturus sim vobis defensionem meam, si id memineritis, quod oblivisci non potestis, insidiatorem jure interfici posse.

IV. Sequitur illud, quod à Milonis inimicis sæpissimè dicitur, cædem, in quâ P. Clodius occisus est, Senatum judicasse contra rempublicam esse factam. Illam verò Senatus, non sententiis suis solùm, sed etiam studiis comprobavit. Quoties enim est illa causa à nobis acta in Senatu? quibus assensionibus universi ordinis? quàm nec tacitis, nec occultis? quando enim frequentissimo Senatu quatuor, ad summum quinque sunt inventi, qui Milonis causam non probarent? declarant hujus ambusti tribuni-plebis illæ intermortuæ conciones,

a *vitæ liberandæ.* b *patiendæ.* c *occidere.*

fore Marius, he defended what he had done with so much spirit and resolution that his general bestowed a crown or garland upon him as a reward of his virtue. The part that Marius acted in this affair, Plutarch tells us, contributed more than any thing else to raise him to the consulship a third time.

30. *Periculosè.*]This soldier was in danger, because, being only a private, he had slain his tribune, the relation of his commander, not being condemned.

41. *Etsi.*] An oratorical figure, in which he corrects himself, as if he should say *etsi, quid dico, leges silere inter arma cum lex dat facultatem se defendendi.*

42. *Lex.*] He intends the law against assassins, which was passed by L. Cornelius Sylla, the dictator.

44. *Ut, cùm causa,* &c.] The implied sense may be thus explained: Men are not condemned when they carry arms in a just cause; and it is not to be presumed, that he who carries them for the sake of defence, carries them that he may kill men. For the Cornelian law does not simply treat of carrying arms, but the object of carrying the weapon or sword. Wherefore, it is not he who carries a sword, but he who carries it to kill a man without a cause, that transgressed.

46. *Hoc maneat in causâ.*] That is, this is a constant and fixed principle in that cause, that it is lawful at any time to kill a man without impunity, who is laying snares for another.

1. *Sequitur illud.*] He undertakes to remove the second prejudice, for the adversaries said, that the senate had judged that the murder of Clodius was committed against the republic. But when the senate heard that a murder had been committed on the Appian way, it caused, as was customary in cases of great danger, the consuls to take care that the republic received no injury. This was a kind of prejudice, because Saturninus was condemned and slain by a similar decree of the senate. But Cicero answers, that the senate intended no more by the decree than that they should see which had lain snares for the other.

4. *Quoties enim est illa causa acta.*] Almost a hundred days had already passed since the death of Clodius.

8. *Ambusti tribuni-plebis.*] Munatius Plancus, and Pompeius Rufus, tribunes of the people, inflamed the populace against Milo; therefore a sedition having arisen when the body of Clodius was burnt, the

quibus quotidie meam potentiam invidiosè criminabatur, cum diceret, Senatum, non quod sentiret, sed quod ego vellem, decernere. Quæ quidem si potentia est appellanda potius, quàm propter magna in rempublicam merita; si mediocris in bonis causis auctoritas, aut propter officiosos labores meos, nonnulla apud bonos gratia: appelletur ita sane, dummodo eâ nos utamur pro salute bonorum contra amentiam perditorum. Hanc verò [a] quæstionem, etsi non est iniqua, nunquam tamen Senatus constituendam putavit: erant enim leges, erant quæstiones vel de cæde, vel de vi: nec tantum mœrorem ac luctum Senatui mors P. Clodii afferebat, ut nova quæstio constitueretur. Cujus enim Senatui de illo incesto stupro judicium decernendi potestas esset erepta; de ejus interitu quis potest credere Senatum judicium novum constituendum putasse? Cur igitur incendium curiæ, oppugnationem ædium M. Lepidi, cædem hanc ipsam, contra rempub. Senatus factam esse decrevit? Quia nulla vis unquam est in liberâ civitate suscepta inter cives non contra rempublicam. Non enim est ulla defensio contra vim unquam optanda, sed nonnunquam est necessaria: nisi verò aut ille dies, in quo Tiberius Gracchus est cæsus, aut ille, quo Caius, aut quo arma Saturnini oppressa sunt, etiamsi è republ. remp.

a *judicium.*

senate house also was burnt, nor did they desist until driven from the assembly by the flames.

13. *Officiosos labores.*] Those who undertook to defend the innocent.

16. *Erant leges, erant quæstiones.*] There were ancient laws and inquiries concerning murder, over which the chief prætors and quæstors were placed, and by which Milo could be accused. There was the Cornelian law against assassinations, and the law of Q. Catulus against violence. But all these laws and the customs of courts being passed by, a new law, and new inquiry, had been instituted against Milo by Pompey, and a new judge, viz. Cn. Domitius Œnobarbus, had been appointed by the people.

19. *De illo incesto stupro.*] When the affair of Clodius' polluting the mysteries of the *Bona Dea* was brought before the senate, it was resolved to refer it to the college of priests, who declared it to be an abominable impiety, upon which the consuls were ordered to provide a law for bringing Clodius to a trial before the people. But Q. Fusius Calenus, one of the tribunes, supported by all the Clodian faction, would not permit the law to be offered to the suffrage of the citizens. The affair being likely to produce great disorders, Hortensius proposed an expedient, which was accepted by both parties, that the tribune Fusius should publish a law for the trial of Clodius by the prætor, with a select bench of judges.

21. *Oppugnationem ædium M. Lepidi.*] Munatius tells us, that the factions of Scipio and Hypsœus stormed the house of M. Lepidus the *inter-rex*, threw down the images of his ancestors, and committed a variety of outrages, because he would not hold the *comitia* for the election of consuls, whilst the resentment of the populace was fresh against Milo. He here includes the three things which were done by one decree of the senate, because it was not lawful to make more decrees of the senate on the same day.

23. *Quia nulla vis unquam.*] He gives the reason why the senate judged that the murder of Clodius was an act against the republic, viz. all violence was against it, although he who did it, did not commit violence against the republic, when he repelled violence by violence.

27. *Caius Gracchus.*] Caius was rejected in his third suit for the tribuneship, and when he saw that his laws were abrogated by the consent of the senate, and that L. Opimius, the consul, was willing to report to that purpose, he, meditating violence, with M. Fulvius Flaccus, his colleague in the Agrarian triumvirship, and another head of sedition, came with an armed band into the Capitol for the purpose of disturbing the assembly. But when a certain servant of the consul was slain by the *Gracchi* in the crowd, a tumult arose, the *Gracchi* fled, and on that day there was nothing more done concerning the laws. In the mean time the consul Opimius, during the night strengthens the Capitol with a guard, and early in the morning convened the senate by a messenger, and reported to them concerning

tamen non vulnerarunt. Itaque ego ipse decrevi, cùm cædem in Appiâ viâ factam esse constaret, non eum, qui se defendisset, contra rempubl. fecisse, sed, cùm inesset in re vis, et insidiæ, crimen judicio reservavi, [a] rem notavi. Quod si per furiosum illum tribunum Senatui, quod sentiebat, perficere licuisset, novam quæstionem nunc nullam haberemus; decernebat enim, ut veteribus legibus tantummodo extra ordinem quæreretur; divisa sententia est, postulante nescio quo; nihil enim necesse esse omnium me flagitia proferre; sic reliqua auctoritas Senatûs, emptâ intercessione, sublata est.

V. At enim Cn. Pompeius rogatione suâ et de re et de causâ judicavit: tulit enim de cæde, quæ in Appiâ viâ facta esset, in quâ P. Clodius occisus fuit; quid ergo tulit? nempe, ut quæreretur; quid porro quærendum est? factumne sit? at constat; à quo? at patet; vidit etiam in confessione facti juris tamen defensionem suscipi posse; quod nisi vidisset, posse absolvi eum, qui fateretur: cùm videret nos fateri; neque quæri unquam jussisset, nec vobis tam salutarem hanc

a *condemnavi vim factam.*

the murder which had been committed, and the state of affairs in the city. The senate ordered the consul to see that the republic received no injury. The consul with the senators and knights, armed, descends into the forum, Gracchus and Flaccus with their followers, armed, seize Mount Aventinus. They were cited by the consul to plead their cause, but not obeying they were driven from the mount by the consuls and nobles, with an armed force, and slain in their flight.

Ib. *Saturnini.*] Marius, having called the citizens to arms, slew Saturninus in the year of the city 653.

28. *Ego ipse decrevi.*] Cicero had judged that the murder of Clodius, was not an act against the state, for he was a senator, and was in the senate when his murder was reported.

30. *Judicio reservavi.*] He thought that it belonged to the judges to inquire which of them had laid snares for the other.

31. *Quod si per furiosum.*] When the senate first decreed that there should be an inquiry concerning the death of Clodius according to the ancient laws, Munatius Plancus, although out of order, interfered when the decree was about to be promulgated, and thus forced the senate, contrary to the opinion of all the senators, to make this decree concerning a new inquiry, for the power of the tribunes was such, that no decree which they did not approve could be ratified.

Ib. *Furiosum.*] He was called furious, who, being too popular, would not obey the senate, but excited seditions among the people.

34. *Divisa sententia est.*] When any opinion proposed to the senate was thought too general, and to include several distinct articles, some of which might be approved and others rejected; it was usual to require that it might be divided, and sometimes by a general voice of the assembly, crying out, divide, divide!

Ib. *Postulante nescio quo.*] This was Q. Fucius a senator, who was corrupted by Munatius Plancus; he does not name him, because he was a senator.

1. *At enim Cn. Pompeius.*] He comes now to refute the third objection produced by the adversaries, viz. that Milo was condemned by Pompey.

Ib. *Rogatione suâ.*] A law was thus called, because it was proposed to the Roman people for twenty-seven days, that they might reflect on it, and inquire whether they would make and confirm such a law.

Ib. *De re.*] *Res* is here taken for the general question concerning the murder.

4. *At patet.*] Namely, that the murder was committed by Milo.

5. *Vidit etiam.*] Cicero here proves, from the force of the law passed by Pompey, that he favoured the cause of Milo, because he gave Milo the power of defending himself, after he had confessed that the murder was committed by him, which power he would not have otherwise given, when Milo and Cicero after him had confessed that he had committed the murder.

7. *Salutarem hanc in judicando literam*] He means the letters A and C; the first of which the judge wrote on the tablets if they meant to acquit, and the other if they meant to condemn; on which account the former is called *salutaris*, the latter *tristis*. But Pompey would not have given in these letters unless he had supposed that Milo might be acquitted; by this there-

in judicando literam, quam illam tristem dedisset. Mihi verò Cn. Pompeius non modò nihil gravius contra Milonem judicasse, sed etiam statuisse videtur, quid vos in judicando spectare oporteret; nam qui non pœnam confessioni, sed defensionem dedit, is causam interitûs quærendam, non interitum putavit. Jam illud dicet ipse profectò, quod suâ sponte fecit, Publione Clodio tribuendum putarit, an tempori? Domi suæ nobilissimus vir, Senatûs propugnator, atque illis quidem temporibus penè patronus, avunculus hujus nostri judicis, fortissimi viri, M. Catonis, tribunus-pleb. M. Drusus occisus est; nihil de ejus morte populus consultus, nulla quæstio [a] decreta à Senatu est. Quantum luctum in hac urbe fuisse à nostris patribus accepimus, cùm P. Africano domi suæ quiescenti illa nocturna vis esset illata? quis tum non gemuit? quis non arsit dolore? quem immortalem, si fieri posset, omnes esse cuperent, ejus ne necessariam quidem expectatam esse mortem? Num igitur ulla quæstio de Africani morte lata est? certe nulla. Quid ita? quia non alio facinore clari homines, alio obscuri necantur. Intersit inter vitæ dignitatem summorum atque infimorum: mors quidem illata per scelus iisdem pœnis teneatur et

a *constituta.*

fore, he gave the judges the power of acquitting or condemning him.

8. *Mihi verò.*] He interprets the intention of Pompey in reporting his law, for by it he wished that he should be defended, and therefore not condemned; this then is that which the judges should follow, because they should not attend to this alone, that Milo had slain Clodius, but go farther, and see for what cause he had slain him.

12. *Jam illud dicet.*] Pompey will say that he reported that law neither at the request of the senate or people.

13. *Publione Clodio tribuendum.*] Cicero says, that he had not reported the law on account of the death of Clodius, but to subserve the occasion that he might not seem to rejoice in the death of Clodius, with whom he had been reconciled a few days previous.

14. *Domi suæ.*] He proves that this law and inquiry of Pompey was new and unprecedented in the history of the most illustrious men, by whom no law had been reported. He does this to show that Pompey had made this law unjustly, or to serve the occasion.

Ib. *Nobilissimus vir.*] M. Livius Drusus was a tribune in the year of Rome 631. He was a man of good parts, natural, and acquired, a great orator, and very rich. The senate, by their solicitations, engaged him to combine with them against his colleague C. Gracchus, and assisted him in procuring a decree for planting twelve new colonies, each of three thousand Romans, in order to supplant Caius in the esteem of the people, though without any view to their real advantage. He afterwards incurrred the displeasure of the senate, and was assassinated in his attempt of publishing a law to confer the freedom of the city upon some of the principal towns of Italy, to whom he had promised it, and who had formed themselves into a confederacy to support their demand of it.

15. *Avunculus hujus nostri judicis.*] M. Cato, who was called *Uticensis*, sat as a judge, whose mother Livia was the sister of M. Drusus, by whom he was educated.

19. *P. Africano.*] This was P. Africanus the younger. There are various reports about the violence done to him, and the authors of it. Appian says, that he was found dead in his bed in the morning, without any appearance of a wound after having been conducted home from the senate house the day before by the whole body of senators. Plutarch tells us, that it was thought there appeared on the dead body some marks of blows and violence, that most of the people accused Fulvius Africanus' declared enemy, that there was some suspicion even of Caius Gracchus, and that the people, for fear he should be found guilty, would not suffer any inquiry into the matter. From this variety of reports about the violence done to him, it seems most probable that prejudice and party spirit invented the whole, and that he really died a natural death, which, according to Velleius Paterculus, was the opinion of most authors.

21. *Ejus ne necessariam.*] All were afflicted, because he had not attained the natural course of his life, for he was slain

legibus; nisi fortè magis erit parricida, si quis consularem patrem, quàm si quis humilem necaverit, aut eo mors atrocior erit P. Clodii, quod is in monumentis majorum suorum sit interfectus; hoc enim sæpe ab istis dicitur: perinde quasi Appius ille Cæcus viam munerit, non quâ populus uteretur, sèd ubi impunè sui posteri latrocinarentur. Itaque in eâdem istâ Appiâ viâ, cùm ornatissimum equitem Rom. P. Clodius M. Papirium occidisset, non fuit illud facinus puniendum: homo enim nobilis in suis monumentis equitem Roman. occiderat. Nunc ejusdem Appiæ nomen quantas tragœdias excitat? quæ cruentatâ antea cæde honesti atque innocentis viri silebatur, eadem nunc crebrò usurpatur, posteaquam latronis et parricidæ sanguine imbuta est. Sed quid ego illa commemoro? comprehensus est in templo Castoris servus P. Clodii, quem ille ad Cn. Pompeium interficiendum collocaret; extorta est confitenti sica de manibus; caruit foro postea Pompeius, caruit Senatu, caruit publico; januâ se ac parietibus, non jure legum judiciorumque texit. Num quæ rogatio lata? num quæ nova quæstio decreta est? atqui si res, si vir, si tempus ullum dignum fuit, certe hæc in illâ causâ summa omnia fuerunt; insidiator erat in foro collocatus, atque in vestibulo ipso Senatûs: ei viro autem mors parabatur, cujus in vitâ nitebatur salus civitatis: eo porrò reipub. tempore, quo si unus ille occidisset, non hæc solùm civitas, sed gentes omnes concidissent; nisi fortè, quia perfecta res non est, non fuit punienda: perinde quasi exitus rerum, non hominum consilia legibus vindicentur; minùs dolendum fuit, re non perfectâ, sed puniendum certè nihilò minùs. Quoties ego ipse, Judices, ex P. Clodii telis et ex cruentis ejus manibus effugi? ex quibus si me non vel mea, vel reipub. fortuna servasset, quis tandem de interitu meo quæstionem tulisset? Sed stulti sumus, qui Drusum, qui Africanum, Pompeium, nosmetipsos cum P. Clodio conferre audeamus; tolerabilia fuerunt illa; P. Clodii mortem æquo animo nemo ferre potest; luget Senatus: mœret equester ordo: tota civitas confecta [a] senio est: squalent municipia; afflictantur coloniæ: agri denique ipsi tam beneficum, tam salutarem, tam mansuetum civem desiderant. Non fuit ea causa, Judices, profectò non fuit, cur sibi censeret Pompeius quæstionem ferendam: sed homo sapiens, et altâ et divinâ quâdam mente præditus, multa vidit; fuisse sibi illum inimicum, familiarem Milonem; in communi omnium lætitiâ, si etiam ipse gauderet, timuit ne videretur infirmior fides reconciliatæ gratiæ, multa etiam alia vidit, sed illud

a *ægritudine.*

in the fifty-sixth year of his age, as Cicero says in his dream of Scipio.

28. *In monumentis.*] By these monuments he intends the Appian way, which Appius Claudius, the censor, who was afterwards called Cæcus, had made.

32. *M. Papirium occidisset.*] Clodius had by stratagem got into his hands the son of king Tigranes, whom Pompey brought with him from the east, and kept prisoner at Rome in the custody of Flavius the prætor: and instead of delivering him up when Pompey demanded him, undertook for a large sum of money to give him his liberty and sent him home. This occasioned a sharp engagement between him and Flavius, who marched out of Rome with a body of men, well armed, to recover Tigranes by force, but Clodius proved too strong for him, and killed a great number of his company, and among them M. Papirius, Pompey's intimate acquaintance, whilst Flavius also himself had some difficulty to escape with life.

63. *Infirmior fides,* &c.] From this place it appears, that the grudge which existed between Clodius and Pompey had

maximè; quamvis atrociter ipse tulisset, vos tamen fortiter judicaturos. Itaque delegit è florentissimis ordinibus ipsa lumina: neque verò, quod nonnulli dictitant, secrevit in judicibus lengendis amicos meos; neque enim hoc cogitavit vir justissimus, neque in bonis viris legendis id assequi potuisset, etiamsi cupiîsset; non enim mea gratia familiaritatibus continetur, quæ latè patere non possunt, propterea quòd consuetudines victûs non possunt esse cum multis; sed si quid possumus, ex eo possumus, quod respublica nos conjunxit cum bonis; ex quibus ille cùm optimos viros legeret, idque maximè ad fidem suam pertinere arbitraretur, non potuit legere non studiosos mei. Quòd verò te, L. Domiti, huic quæstioni præesse maximè voluit, nihil quæsivit aliud, nisi justitiam, gravitatem, humanitatem, fidem. Tulit ut Consularem necesse esset: credo, quòd, principum munus esse ducebat resistere levitati multitudinis, et perditorum temeritati; ex consularibus te creavit potissimum; dederas enim, quàm contemneres populares insanias, jam ab adolescentiâ documenta maxima. Quamobrem, Judices, ut aliquando ad causam crimenque veniamus; si neque omnis confessio facti est inusitata, neque de causâ quidquam nostrâ aliter, ac nos vellemus, à Senatu judicatum est; et lator ipse legis, cùm esset controversia nulla facti, juris tamen disceptationem esse voluit: et electi judices, isque præpositus quæstioni, qui hæc justè sapienterque disceptet: reliquum est, Judices, ut nihil jam aliud quærere debeatis, nisi uter utri insidias fecerit; quod quò faciliùs argumentis perspicere possitis, rem gestam vobis dum breviter expono, quæso diligenter attendite.

NARRATIO.

Tria capita continet hæc narratio. 1. *Clodii Consilia.* 2. *Profectionem.* 3. *Pugnam.*

VI. P. Clodius cùm statuisset omni scelere in Præturâ vexare rempub. videretque ita tracta esse comitia anno superiore, ut non multos menses Præturam gerere posset; qui non honoris gradum spectaret, ut cæteri, sed ut L. Paullum collegam effugere vellet, singulari vir-

been lulled asleep by a reconciliation, and lest it should appear that he was not sincere in this, Pompey would not rejoice.

65. *E Florentissimis ordinibus.*] The judges were chosen from among the senators, knights, and tribunes of the treasury.

70. *Consuetudines victûs.*] It appears that those persons were considered familiars who were in the habit of eating together; by this subtilty he endeavours to conciliate Pompey, and the other judges, to himself.

72. *Optimos viros legeret.*] Pompey selected the best men of all orders, who were afterwards chosen by lot, that the number of the judges might be filled.

77. *Perditorum.*] He intends the Clodians.

78. *Contemneres populares insanias.*] He refers to Domitius' conduct in his prætorship, during which Cn. Manlius, one of the tribunes of the people, enacted a law, that the freedmen of every tribe should have a power of voting, and took possession of the Capitol in a forcible manner, from which he was driven by Domitius, and several of his followers slain.

81. *Si neque omnis confessio.*] Cicero here briefly recounts whatever things were said in the refutation of prejudices. First, that the adversaries declared that it was not lawful for him to see the light, &c. Second, that the senate had judged that the slaughter in which Milo was slain, was an act against the republic. Third, that Pompey had wished that Milo should defend his own right.

2. *Ita tracta esse comitia.*] The factions of the city, and the seditious conduct of the tribunes, had prevented the election of consuls, and occasioned an interregnum of upwards of six months, so that Messala and Calvinus did not hold the consulship above five months, which was probably the case with the prætors too.

4. *L. Paullum.*] L. Paullus was a man

tute civem, et annum integrum ad dilacerandam rempubl. quæreret; subitò reliquit annum suum, seque in annum proximum transtulit, non, ut fit, religione aliquâ, sed ut haberet, quod ipse dicebat, ad Præturam gerendam, hoc est, ad evertendam rempubl. plenum annum atque integrum; occurrebat ei, mancam ac debilem Præturam suam futuram, Consule Milone: eum porrò summo consensu populi Romani Consulem fieri videbat; contulit se ad ejus competitores: sed ita, totam ut petitionem ipse solus, etiam invitis illis, gubernaret: tota ut comitia suis, ut dictitabat, humeris sustineret; convocabat tribus: se interponebat: coloniam novam, delectum perditissimorum scribebat civium; quanto ille plura [a]miscebat, tantò hic magis in dies convalescebat. Ubi vidit homo ad omne facinus paratissimus fortissimum virum, inimicissimum suum, certissimum Consulem: idque intellexit non solum sermonibus, sed etiam suffragiis populi Rom. sæpe esse declaratum; palam agere cœpit, et apertè dicere, occidendum Milonem; servos agrestes et barbaros, quibus silvas publicas depopulatus erat, Etruriamque vexarat, ex Apennino deduxerat, quos videbatis; res erat minimè obscura; etenim palam dictitabat, consulatum Miloni eripi non posse, vitam posse; significavit hoc sæpe in Senatu, dixit in concione: quin etiam Favonio, fortissimo viro, quærenti ex eo, qua spe fureret, Milone vivo, respondit, triduo, illum, ad summum quatriduo, periturum: quam vocem ejus ad hunc M. Catonem statim Favonius detulit. Interim cùm sciret Clodius (neque enim erat difficile scire) iter solemne, legitimum, necessarium ante

[a] *perturbabat.*

of singular virtue, and as Cicero says in Vatinius, born to preserve the republic. Clodius was unwilling to have him for a colleague on account of his probity.

6. *Reliquit annum suum.*] That was called his year in which any one might lawfully sue for an honour, as the prætorship after the ædileship, and the consulship after the prætorship. But before any one could be prætor, he must be thirty-nine years of age.

9. *Mancam.*] He who had not the use of one of his hands, was called *mancus*, from which the metaphor is applied to the magistrates.

11. *Ejus competitores.*] P. Plautius Hypsæus and Q. Metellus Scipio sued for the consulship with Milo, not only using open bribery, but even surrounded with factions of armed men.

13. *Convocabat tribus.*] The Roman people were at first divided into three parts, called tribes. But after they had increased in number, they were divided into thirty-five parts, still retaining the former name. These were again divided into Curia, in which, as if in an inclosure, each tribe was kept in the time of the *comitia*. But Clodius advised with these, that having rejected Milo, they would elect Metellus and Hypsæus consuls.

14. *Coloniam novam scribebat.*] Clodius promised that he would lead out a new colony if he obtained the prætorship. He said this to draw over the poor to his party, and he obtained their votes in hopes that he would lead them out and give them lands.

15. *Scribebat civium.*] He enrolled them not so much that they might vote as to use violence.

Ib. *Hic.*] Milo was certain of the consulship.

20. *Servos agrestes*] It was customary among the rich Romans to keep many slaves in the country; they often had ten thousand on their farms.

Ib. *Barbaros.*] Those who assemble from foreign nations, were called barbarians, either because they used a foreign language, or were rude in their manners.

Ib. *Silvas publicas depopulatus erat.*] He speaks invidiously of Clodius, as if he had used these servants for the destruction of the republic.

24. *Favonio.*] Favonius was a great friend to Cato, and emulous of his constancy and doctrine.

26. *Ad hunc Catonem.*] This was that Cato who was afterwards called Uticensis, and who now sat as a judge.

diem xiii. Kalend. Febr. Miloni esse Lanuvium ad Flaminem [a] prodendum, quòd erat Dictator Lanuvii Milo, Româ subitò ipse profectus pridie est, ut ante suum fundum (quod re intellectum est) Miloni insidias collocaret; atque ita profectus est, ut concionem turbulentam, in quâ ejus furor [b] desideratus est, quæ illo ipso die habita est, relinqueret: quam, nisi obire facinoris locum tempusque voluisset, nunquam reliquisset. Milo autem cùm in Senatu fuisset eo die, quoad Senatus dimissus est, domum venit: calceos et vestimenta mutavit: paulisper dum se uxor, ut fit, comparat, commoratus est: deinde profectus est [c] id temporis, cùm jam Clodius, si quidem eo die Romam venturus erat, redire potuisset; obviam fit ei Clodius expeditus, in equo, nullâ rhedâ, nullis impedimentis, nullis Græcis comitibus, ut solebat: sine uxore, quod nunquam ferè: cùm hic insidiator, qui iter illud ad cædem faciendam apparasset, cum uxore veheretur in rhedâ, penulatus, magno et impedito, et muliebri ac delicato ancillarum puerorumque comitatu; fit obviam Clodio ante fundum ejus, horâ fere uudecimâ, aut non multo secus: statim complures cum telis in hunc faciunt de loco superiore impetum: adversi rhedarium occidunt; cùm autem hic de rhedâ, rejectâ penulâ, desiluisset, seque acri animo defenderet; illi, qui erant cum Clodio, gladiis [d] eductis, partim, recurrere ad rhedam, ut à tergo Milonem adorirentur; partim, quòd hunc

a *nominandum.* b *necessarius erat.* c *eo tempore.* d *evaginatis.*

Ib. *Ante diem xiii. Kal. Febr.*] That is the twentieth day of January.

29. *Lanuvium.*] Lanuvium was a municipal town, on the Appian way, about twelve miles from Rome. The famous temple of Juno Sospita was in it, to officiate in which a priest was yearly nominated by a magistrate, called the dictator.

Ib. *Flaminem.*] *Flamen* was a name common to all priests, for there was the *Flamen Dialis*, *Flamen Martialis*, *Quirinalis*, and *Junonis*. Vossius says, they were so called from *flamen*, a head dress which they used, and which took its name from its fiery red colour. Many others suppose that *Flamen* was so called, as if it was *filamen* from *filo*, either because it was annexed to the cap of the priest, or because, when oppressed by the heat, he surrounded his head with a solitary thread.

32. *Concionem turbulentam.*] On the same day that Clodius was slain, C. Sallustius and Q. Pompey, tribunes of the people, and enemies of Milo, called an assembly of the people; but Q. Pompey was the most active, and the most seditious of all.

36. *Calceos et vestimenta.*] The Roman senators were distinguished from all other citizens by the ornaments of their ordinary dress and habit, especially by their vest or tunic, and the fashion of their shoes, of which the old writers make frequent mention. The peculiar ornament of their tunic was the *latus clavus*, as it was called, being a broad stripe of purple sewed upon the forepart of it, and running down the middle of the breast, which was the proper mark of distinction between them and the knights, who wore a much narrower stripe of the same colour, and in the same manner. The fashion also of their shoes was peculiar, and different from that of the rest of the city. This difference appeared in the colour, shape, and ornament of the shoes. Their colour was black, the form somewhat like a short boot, as they are sometimes seen in the ancient statues and bas-reliefs, and the proper ornament of them was a figure of a half-moon sewed or fastened upon the forepart near the ancles, designed, according to some writers, to express the letter C. the numeral mark of a hundred, which was the original number of the senate when first instituted by Romulus.

41. *Sine uxore.*] Clodius had for his wife one Fulvia, who afterwards married Antony. After Cicero's death she vented her impotent rage by spitting on his head, and thrusting a bodkin through his tongue.

Ib. *Cum hic insidiator.*] He ironically calls Milo a layer-in-wait, because there was nothing in him which could excite a suspicion of murder.

42. *Cum uxore.*] Milo married Fausta, the daughter of Sylla the dictator.

44. *Horâ fere undecimâ.*] The Romans reckoned twelve hours from the rising to the setting of the sun, which were longer or shorter in proportion to the length of the days. They began to number them from

jam interfectum putarent, cædere incipiunt ejus servos, qui post erant: ex quibus, qui animo fideli in dominum et præsenti fuerunt, partim occisi sunt, partim, cùm ad rhedam pugnari viderent, et domino succurrere prohiberentur, Milonemque occisum etiam ex ipso Clodio audirent, et reverâ putarent; fecerunt id servi Milonis (dicam enim non derivandi criminis causâ, sed ut factum est) neque imperante, neque sciente, neque præsente domino, quod suos quisque servos in tali re facere voluisset.

CONTITUTIO CAUSÆ.

VII. Hæc, sicut exposui, ita gesta sunt, Judices: insidiator superatus, vi victa vis, vel potius, oppressa virtute audacia est. Nihil dico, quid respublica consecuta sit, nihil, quid vos, nihil, quid omnes boni: nihil sane id prosit Miloni, qui hoc fato natus est, ut ne se quidem servare potuerit, quin unà rempublicam, vosque servaret: si id jure non posset, nihil habeo quod defendam: sin hoc et ratio doctis, et necessitas barbaris, et mos gentibus, et feris natura ipsa præscripsit, ut omnem semper vim, quàcunque ope possent, à corpore, à capite, à vitâ suâ propulsarent: non potestis hoc facinus improbum judicare, quin simul judicetis, omnibus qui in latrones inciderint, aut illorum telis, aut vestris sententiis esse pereundum. Quod si ita putasset; certe optabilius Miloni fuit dare [a] jugulum P. Clodio, non semel ab illo, neque tum primùm petitum; quàm jugulari à vobis, quia se illi non jugulandum tradidisset: sin hoc nemo vestrûm ita sentit: illud jam in judicium venit, non, occisusne sit, quod fatemur; sed jure, an injuriâ: quod multis antea in causis jam quæsitum est. Insidias factas esse constat: et id est quod Senatus contra rempublicam factum judicavit: ab utro factæ sint, incertum est; de hoc igitur latum est ut quæreretur. Ita et Senatus [b] rem, non hominem notavit, et Pompeius de jure, non de facto, quæstionem tulit. Nunquid igitur aliud in judicium venit, nisi uter utri insidias fecerit? profectò nihil; si hic illi; [c] ut ne sit impunè: si ille huic; tum nos scelere [d] solvamur.

CONFUTATIO.

Duas partes continet hæc confirmàtio. In primâ ostendit, insidias fecisse Clodium Miloni. In secundâ gloriosum Miloni fuisse Clodium interfecisse. Primam partem tractat, 1. per conjecturam, ab antecedentibus, sive personis: 2. à concomitantibus, sive ab ipsis facti circumstantiis: 3. à confutatione quorundam quæ ab adversariis objiciuntur: 4. à consequentibus.

a *se jugulandum.* b *insidias.* c *ut puniatur.* d *liberemur.*

the rising of the sun; but when this battle was fought, viz. on the twentieth of January, the eleventh hour nearly corresponded to half-past three in the afternoon, of our time

45. *In hunc.*] Upon Milo.

46. *Adversi.*] They who were opposite the chariot of Milo.

55. *Dirivandi criminis.*] *Derivare crimen* is when a crime of which any one is guilty is charged upon another who is not guilty.

7. *Et mos gentium.*] He alludes to the law of nations, and not to any particular law of the Romans.

18. *Ut quæreretur.*] Pompey had reported a law concerning this thing, which was spoken of before.

21. *Si hic.*] Milo.

22. *Ille.*] Clodius.

PRIMA PROBATIO.

Ab antecedentibus: *non Milonem Clodio, sed Clodium Miloni struxisse insidias.*

VIII. Quonam igitur pacto probari potest, insidias Miloni fecisse Clodium? satis est quidem in illâ tam audaci, tam nefariâ belluâ docere, magnam ei causam, magnam spem in Milonis morte propositam, magnas utilitates fuisse. Itaque illud Cassianum, [a] CUI BONO FUERIT, in his personis valeat; etsi boni nullo emolumento impelluntur in fraudem, improbi sæpe parvo. Atqui, Milone interfecto, Clodius hoc assequebatur, non modò ut Prætor esset non eo Consule, quo sceleris nihil facere posset; sed etiam ut his consulibus Prætor esset, quibus si non adjuvantibus, at [b] conniventibus certè sperasset se posse rempublicam [c] eludere in illis suis cogitatis furoribus; cujus illi conatus, ut ipse ratiocinabatur, nec, si possent, reprimere cuperent, cùm tantum beneficium ei se debere arbitrarentur: et, si vellent, fortasse vix possent frangere hominis sceleratissimi corroboratam jam vetustate audaciam. An verò, Judices, vos soli ignoratis? vos hospites in hâc urbe versamini? vestræ peregrinantur aures, neque in hoc pervagato civitatis sermone versantur, quas ille leges (si leges nominandæ sunt, ac non faces urbis et pestes reipublicæ) fuerit impositurus nobis omnibus, atque inusturus? Exhibe, quæso, Sexte Clodi, exhibe librarium illud legum vestrarum, quod te aiunt eripuisse è domo, et ex mediis armis turbâque nocturnâ, tanquam Palladium, sustulisse, ut præclarum videlicet, munus ac instrumentum Tribunatûs ad aliquem, si nactus esses, qui tuo arbitrio Tribunatum gereret, deferre posses. Et aspexit me quidem illis occulis, quibus tum sole-

a *quis percipit utilitatem.* b *permittentibus.* c *fallere.*

4. *Illud Cassianum.*] We are told by Asconius that Cassius was a man of great severity, and that when he was examiner in any case of murder, he always exhorted, nay commanded, the judges to inquire what prospect of advantage could arise to the murderer from the fact. Valerius Maximus, *lib.* 3. *chap.* 7. says, that this tribunal, on account of his excessive severity, was called the rock of criminals.

8. *His consulibus.*] He intends Plautius Hypsæus and Q. Metellus Scipio, who sued for the consulship with Milo.

10. *Cogitatis furoribus.*] Clodius had resolved to overturn the whole republic in his prætorship.

12. *Tantum beneficium.*] Hypsæus and Metellus Scipio being consuls, would never dare to defend the republic against the attempts of Clodius, because, through his assistance, they had attained the consulship.

18. *Atque inusturus.*] He either alludes to the fire, by which the senate house was burned when the dead body of Clodius was burnt, or to the government of Clodius, who, if he had obtained the prætorship, would have made laws odious to all.

Ib. *Sexte Clodi.*] This Sextus Clodius was the kinsman of Clodius; Cicero often calls him his scribe, and Asconius says, that he brought the dead body of Clodius into the senate house.

19. *Librarium.*] The book in which all the records were kept.

20. *Turbâque nocturnâ.*] After Clodius had been slain, and his dead body brought to Rome. before the first hour of the night, a great number of low persons and servants stood round it with great lamentation while placed in the hall of his house.

Ib. *Palladium.*] The Palladium was a wooden image of Pallas. The Trojans fancied that it fell from heaven into an uncovered temple, and were told by the oracle that Troy could not be taken whilst that image remained there. Which being understood by Diomede and Ulysses, they privately stole into the temple, surprised and slew the keepers, and carried the image away; it was brought to Rome, by whom is uncertain. Cedremus thinks that it was restored by Diomede to Æneas, and by him brought into Italy.

21. *Instrumentum.*] '*Instrumentum* is here taken for those things Cicero calls public letters, that is, which were written by a public person, as the scribe of a magistrate, or a notary public.

bat, cùm omnibus omnia minabatur: movet me quippe lumen curiæ. Quid? tu me iratum, Sexte, putas tibi, cujus tu inimicissimum multò crudeliùs etiam punitus es, quàm erat humanitatis meæ postulare? Tu, P. Clodii cruentum cadaver ejecisti domo: tu in publicum abjecisti: tu spoliatum imaginibus, exequiis, pompâ, laudatione, infelicissimis lignis [a] semiustulatum, nocturnis canibus dilaniandum reliquisti; quam rem etsi necessariò fecisti, tamen, quoniam in meo inimico crudelitatem [b] exprompsisti tuam, laudare non possum, irasci certe non debeo. P. Clodii Præturam non sine maximo rerum novarum metu proponi, et solutam fore videbatis, nisi esset is Consul, qui eam auderet possetque constringere. Eum Milonem esse cùm sentiret universus populus Romanus, quis dubitaret suffragio suo, se metu, periculo rempublicam liberare? At nunc, P. Clodio remote, [c] usitatis jam rebus enitendum est Miloni, ut tueatur dignitatem suam; singularis illa huic uni concessa gloria, quæ quotidie augebatur frangendis furoribus Clodianis, jam morte Clodii cecidit; vos adepti estis ne quem civem meturetis: hic exercitationem virtutis, suffragationem consulatûs, fontem perennem gloriæ suæ perdidit. Itaque Milonis

a *semiustum.* b *ostendisti.* c *certandum more solito.* d *certissimus eret.* e *concuti.*

24. *Omnibus omnia minabatur.*] This Sextus Clodius was the scribe of Pub. Clodius; he was most powerful in the year in which Publius was consul, and was the minister of his fury.

Ib. *Movet me quippe lumen curiæ.*] Cicero here jests in an ambiguous mannér, for he seems to intend the burning of the senate house, and ironically to call Sextus Clodius, a most noble senator.

26. *Punitus es.*] As *impertio* and *impertior* are used by Cicero in the same sense, so are *punio* and *punior*.

27. *Cruentum cadaver.*] He here declares what was done by Sex. Clodius to the dead body of Publius, viz. when it was bloody from the recent slaughter, he took care that it should not be washed; for it was customary among the ancients to wash and anoint the dead: hence Ennius says, *Tarquinii corpus bona sæmina lavit et unxit.*

Ib. *Ejecisti domo.*] He says this to excite hatred against Sextus, because men who were near relations used to confer great honours upon the dead, but he had cast it out as if something hateful.

Ib. *In publicum abjecisti.*] Asconius Pedianus says, that the ignorant multitude had carried his body naked, and without shoes, as it was placed upon a couch, that the wounds mightbe seen, into the forum, and there placed it upon the *rostra*.

28. *Spoliatum imaginibus.*] We are told by Pliny, that the halls of the great men amongst the Romans were adorned with the images of their deceased friends done in wax, and that when any of the family was to be buried, these images were carried along with the corpse.

Ib. *Laudatione.*] When any one of a noble and illustrious family died, some one of his relations was employed to eulogize the dead; hence arose the custom of delivering funeral orations.

Ib. *Infelicissimis lignis.*] Led on by Sextus, the people carried the body of Pub. Clodius into the senate house, and burnt the benches and the judgment seat, and the tables, and the books of records, by which the senate house itself was set on fire, and the Porcia Basilica, which was nigh it, was burned. He calls that unlucky wood, because in the funerals of illustrious men they commonly used the amomum and the balsam.

29. *Nocturnis canibus.*] Those who wander about at night, and have no certain place of abode.

30. *Quam rem etsi necessariò.*] Sex. Clodius was obliged to fly immediately, and leave the body half burnt on account of the danger of burning the senate house.

32. *Clodii Præturam.*] After a digression, he returns to the prætorship, for which Clodius was suing.

Ib. *Rerum novurum.*] By new things, historians understand seditions and commotions, by which ancient laws were infringed. But Pub. Clodius had a particular eye to this when he sued for the prætorship.

34. *Eum Milonem.*] The whole Roman people wished Milo to be elected consul, as if he alone could resist Clodius.

36. *At nunc P. Clodio.*] Cicero here starts an objection, and shows that the death of Clodius was no advantage to Milo.

41. *Fontem perennem.*] Quintilian,

consulatus, qui vivo Clodio [a] labefactari non poterat, mortuo denique [b] tentari cœptus est. Non modò igitur nihil prodest, sed obest etiam P. Clodii mors Miloni. At valuit odium: fecit iratus, fecit inimicus, fecit ultor injuriæ, punitor doloris sui; quid, si hæc, non dico majora fuerunt in Clodio quàm in Milone, sed in illo maxima, nulla in hoc? quid vultis amplius? quid enim odisset Clodium Milo, segetem ac materiem suæ gloriæ, præter hoc civile odium, quo omnes improbos ōdimus? ille erat ut odisset, primum defensorem salutis meæ; deinde vexatorem furoris, domitorem armorum suorum; postremò etiam accusatorem suum; [c] reus enim Milonis lege Plotiâ fuit Clodius, quoad vixit; quo tandem animo hoc tyrannum tulisse creditis? quantum odium illius? et in homine injusto, quàm etiam justum esse?

IX. Reliquum est, ut jam illum natura ipsius consuetudoque defendat; hunc autem hæc eadem coarguant: nihil per vim unquam Clodius: omnia per vim Milo. Quid ergo, Judices? cum mœrentibus vobis urbe cessi, judicium-ne timui? non servos, non arma, non vim? quæ fuisset igitur causa restituendi mei, nisi fuisset injusta ejiciendi? [d] Diem mihi, credo, dixerat, mulctam irrogarat, actionem perduellionis intenderat; et mihi videlicet in causâ aut malâ, aut meâ,

a *certissimus erat.* b *concuti.*
c *Milo enim potuit accusare Clodium.* d *vocaverat me in jus.*

speaking of elegant metaphors, quotes this place in *lib.* 8.

44. *At valuit odium.*] He here meets an objection which might be raised by the opposed party. If Milo hated Clodius, but Clodius had not hated Milo, it seems most credible that Milo laid snares for Clodius. But this objection he refutes by asserting that no one hates him, from whom he acquires glory; but Milo derived much glory from resisting the fury of Clodius.

48. *Præter hoc civile.*] He says that Milo had persecuted Clodius with no other hatred than that with which all, by a natural propensity, hate the wicked.

49. *Ille erat ut odisset.*] He now gives the reasons why Clodius hated Milo. 1. Because Milo, when tribune of the people, favoured the recall of Cicero from exile. 2. Because Clodius had often vexed the republic, and Milo had often restrained his arms. 3. Because Milo had accused Clodius.

51. *Lege Plotiâ.*] This law was enacted by P. Plautius, tribune of the people, anno 675, against those that attempted any force against the state or senate, or used violence to the magistrates, or appeared armed in public upon any ill design, or forcibly expelled any person from his lawful possession. The punishment assigned to the convicted was *aquæ et ignis interdictio.*

53. *In homine injusto.*] That is, in Clodius, who, although he was an unjust man, yet he had a just cause of hatred against Milo his accuser.

1. *Reliquum est, ut jam illum natura.*] Thus far Cicero had drawn his arguments from conjecture: he now takes them from nature and custom, but he begins with irony, in which he puns Clodius.

2. *Nihil per vim unquam.*] He says this ironically.

3. *Mœrentibus vobis.*] The senators, who had never changed their garments in their own danger, changed them when Cicero was in danger. But he here describes the violence committed by Clodius.

4. *Urbe cessi.*] The day before Clodius obtained his law, Cicero went into voluntary exile; and thus he says that he departed from the city, when he went into unjust exile.

Ib. *Non servos, non arma.*] When Cicero found himself reduced to the condition of a criminal, by one of Clodius' laws, he changed his habit, as was usual in the case of public impeachment, and appeared about the streets in a sordid or mourning gown to excite the compassion of his fellow citizens, whilst Clodius, at the head of his mob, contrived to meet and insult him at every turn, reproaching him for his cowardice and dejection, and throwing dirt and stones at him.

6. *Mulctam irrogarat.*] *Mulctam irrogare* is to ask the people, whether they will impose a fine upon any one.

7. *Intenderat.*] *Intendere* or *intentare* is a law term, and signifies to charge a crime upon an adversary; hence *intentatio criminis* is opposed to *recusatio.*

Ib. *Et mihi videlicet in causâ aut malâ.*]

non et præclarissimâ et vestrâ, judicium timendum fuit; servorum, et egentium civium et facinorosorum armis meos cives, meis consiliis periculisque servatos, pro me objici nolui. Vidi enim, vidi hunc ipsum Q. Hortensium, lumen et ornamentum reipublicæ, penè interfici servorum manu, cum mihi [a] adesset: quâ in turbâ C. Vibienus Senator, vir optimus, cum hoc cùm esset unà, ita est [b] mulctatus, ut vitam amiserit. Itaque quando illius postea sica illa, quam à Catilina acceperat, conquievit? hæc intentata nobis est: huic ego vos objici pro me non sum passus: hæc insidiata Pompeio est: hæc istam Appiam viam, monumentum sui nominis, nece Papirii cruentavit: hæc, hæc eadem longo intervallo conversa rursus est in me: nuper quidem, ut scitis, me ad regiam penè confecit. Quid simile Milonis? cujus vis omnis hæc semper fuit, ne P. Clodius, cùm in judicium [c] detrahi non posset, vi oppressam civitatem teneret; quem si interficere voluisset, quantæ, quoties occasiones, quàm præclaræ fuerunt? potuit-ne, cùm domum ac deos penates suos, illo oppugnante, defenderet, jure se ulcisci? potuit-ne, cive egregio et viro fortissimo P. Sextio, collegâ suo, vulnerato? potuit-ne, Q. Fabricio, viro optimo cùm de reditu meo legem ferret, pulso, crudelissimâ in foro cæde factâ? potuit-ne, L. Cæcilii, justissimi, fortissimique Prætoris, oppugnatâ domo? potuit-ne illo die, cùm est lata lex de me? cum totius Italiæ concursus, quem mea salus concitarat, facti illius gloriam libens agnovisset: ut, etiam si id Milo fecisset, cuncta civitas eam laudem

a *patrocinaretur.* b male *tractatus.* c *pertrahi.*

He ironically says, that it was the cause of the judges when he punished Lentulus and Cethegus, who were engaged in the conspiracy of Catiline, and that he did it according to the command of the senate and people.

8. *Servorum et egentium.*] Many advised Cicero before he went into exile, to try the success of arms against Clodius, and to repel force by force; but he chose rather to go into exile than to bring his country into danger.

11. *Q. Hortensium.*] This Hortensius was a very celebrated orator; he reigned absolute in the Roman forum when Cicero first entered it; and as his superior fame was the chief spur to Cicero's industry, so the shining specimen which Cicero soon gave of himself, made Hortensius likewise the brighter for it, by obliging him to exert all the force of his genius to maintain his ground against his young rival. They passed a great part of their lives in a kind of equal contest and emulation of each other's merit. But Hortensius, by the superiority of his years, having first passed through the usual gradation of public honours, and satisfied his ambition by obtaining the highest, began to relax somewhat of his contention, and give way to the charms of ease and luxury, to which his nature strongly inclined him, till he was forced at last, by the general voice of the city, to yield the post of honour to Cicero.

19. *Me ad regiam penè confecit.*] Cicero thus speaks in his *lib.* 4. to Atticus, *Cùm sacrâ viâ descenderem, insecutus est me cum suis: clamor, lapides, fustes, gladii, hæc improvisa omnia.* The palace is the place on the sacred way where Numa Pompilius, the second king of the Romans, dwelt.

23. *Domum ac deos penates.*] In his *lib.* 4. *Epist.* 3. to Atticus, he thus speaks. He then attempted to storm Milo's house and mine in the Ceranium, the day before the ides of November; and, at the fifth hour, he openly drew out men armed with swords, and others with burning torches. He had taken the house of P. Sylla for his camp at the seige, then Q. Flaccus drew out from Milo's annian house brave men, and slew those most noted for their Clodian robberies, and sought for Clodius, but he had hid himself in the interior part of the house.

24. *P. Sextio collegâ.*] Milo and Sextius were tribunes the year after Clodius. In his oration for Sextius, he says, that he had received twenty wounds, and had only escaped death by feigning himself dead.

25. *Q. Fabricio.*] Fabricius, a tribune of the people, with Sextius, on the eighth of the kalends of February, led armed men into the temple of Castor.

27. *L. Cæcilii.*] Asconius says nothing

pro sua vindicaret? Atqui erat id temporis clarissimus et fortissimus Consul, inimicus Clodio, P. Lentulus, ultor sceleris illius, propugnator Senatûs, defensor vestræ voluntatis, patronus illius publici consensus, restitutor salutis meæ: septem Prætores; octo tribuni-plebis, illius adversarii, defensores mei: Cn. Pompeius auctor et dux mei reditûs, illius hostis: cujus sententiam Senatus omnis de salute meâ gravissimam et ornatissimam secutus est: qui populum Romanum cohortatus est: qui, cùm de me decretum Capuæ fecisset, ipse cunctæ Italiæ cupienti et ejus fidem imploranti signum dedit, ut ad me restituendum Romam concurrerent; omnia tum denique in illum odia civium ardebant disederio mei: quem qui tum interemisset, non de impunitate ejus, sed de præmiis cogitaretur. Tamen se Milo continuit, et P. Clodium ad judicium bis, ad [a] vim nunquam vocavit. Quid? privato Milone, et reo [b] ad populum, accusante P. Clodio, cúm in Cn. Pompeium pro Milone dicentem impetus factus est; quæ tum non modò occasio, sed etiam causa illius opprimendi fuit? Nuper vero cùm M. Antonius summam spem salutis bonis omnibus attulisset, gravissimamque adolescens nobilissimus reipub. partem fortissimè suscepisset, atque illam belluam, judicii laqueos declinantem, jam irretitam teneret: qui locus, quod tempus illud, dii immortales, fuit? cùm se ille fugiens in scalarum tenebras abdidisset, magnum Miloni fuit conficere illam pestem nullâ suâ invidiâ, Antonii vero maximâ gloriâ? Quid? comitiis in campo quoties potesatas fuit! cùm ille vi in septa irruisset, gladios distringendos, lapides jaciendos curasset, deinde subitò, vultu Milonis perterritus, fugeret ad Tiberim, vos et

a *arma*. b *apud*.

of this Cæcilius, but Cicero mentions him in his oration after his return to the senate:

31. *Fortissimus consul.*] Lentulus Spinther.

34. *Septem prætores.*] All these prætors wished that Cicero should be recalled.

35. *Cn. Pompeius auctor.*] Pompey, M. Crassus, and Julius Cæsar envied the glory of Cicero, because he had great authority among the people for having extinguished Catiline's conspiracy. On which account Pompey permitted him to be sent into exile by Clodius, whom he might have easily resisted. But when Pompey understood that the senators and knights were inflamed against him, because he had not assisted a man deserving well of himself and of the republic, and that the same danger hung over himself from Clodius; he first of all reported to the senate concerning his return, whose praises he pronounces in an elegant manner, altho', by a law of Clodius it was forbidden that any prætor, tribune, or any one else, should say any thing concerning the return of Cicero.

38. *Decretum.*] The Capuans made a decree that Cicero should be restored. Ambassadors came to Pompey from all parts of Italy for that purpose, and he sent them to Rome to demand it from the senate.

38. *Signum dedit.*] This is a military phrase, and is the same as to encourage by giving a signal, as commanders do to the soldiers when about to fight.

44. *Privato Milone.*] He who had ended his migistracy was called a private man; nor was it allowed them whilst in office to accuse any one.

45. *In Cn. Pompeium impetus.*] When Cn. Pompey began to speak for Milo, the friends of Clodius raised a clamour. This they continued through the whole oration, and did not only raise a clamour, but even assailed him with reproaches and curses; but he was not deterred from speaking, for he spoke six hours.

47. *M. Antonius.*] It is difficult to say what part of Antony's conduct Cicero here refers to. Some commentators imagine, nor is it improbable that he employed forcible measures in opposition to Clodius when he was forming a new tribe of the scum of the citizens, and that Cicero refers to this.

54. *In septa.*] When the *comitia* were held, the people were surrounded with hedges or wooden barriers.

55. *Fugeret ad Tiberim.*] The Tiber

omnes boni vota faceretis, ut Miloni uti [a] virtute suâ liberet? Quem igitur cum omnium gratiâ noluit; hunc voluit cum aliquorum querela? quem jure, quem loco, quem tempore, quem impunè non est ausus; hunc injuriâ, iniquo loco, alieno tempore, periculo capitis non dubitavit occidere? præsertim, Judices, cum [b] honoris amplissimi contentio, et dies commitiorum [c] subesset: quo quidem tempore (scio enim [d] quam timida sit ambitio, quantaque et quàm sollicita cupiditas Consulatûs) omnia, non modò quæ reprehendi palam, sed etiam quæ obscurè cogitari possunt, timemus: rumorem, fabulam fictam, fulsam perhorrescimus; [e] ora omnium atque oculos intuemur; nihil enim est tam molle, tam tenerum, tam aut fragile, aut flexibile, quàm voluntas erga nos sensusque civium: qui non modò improbitati irascuntur candidatorum, sed etiam in recte factis sæpe fastidiunt. Hunc diem igitur [e] campi seperatum atque exoptatum sibi proponens Milo, cruentis manibus scelus et facinus præ se ferens et confitens, ad illa augusta centuriarum auspicia veniebat? quàm hoc non credibile in hoc? quàm idem in Clodio non dubitandum quin se ille, interfecto Milone, regnaturum putaret? Quid? quod caput audaciæ est, Judices: quis ignorat, maximam illecebram esse peccandi impunitatis spem? in utro igitur hæc fuit? in Milone, qui etiam nunc reus est facti aut præclari, aut certe necessarii? an in Clodio, qui ita judicia pœnamque contempserat, ut eum nihil delectaret, quod aut per naturam fas esset, aut per leges liceret?

X. Sed quid ego argumentor? quid plura disputo? te, Q. Petilli, appello, optimum et fortissimum civem; te, M. Cato, testor; quos mihi divina quædam sors dedit Judices; vos ex M. Favonio audistis, Clodium sibi dixisse, et audistis, vivo Clodio, periturùm Milonem tri-

a *fortitudine.* b *consulatûs.* c *instaret.*
d *quàm timidi sint ambientes.* e *vultus.* f *comitiorum.*

flowed through Campus Martius.

56. *Quem igitur cum omnium.*] He points out another opportunity of killing Clodius, which, as he did not embrace it, plainly shows that he had no disposition to do so, as he could then have slain Clodius with the greatest favour and justice. Advert to the other circumstances of time and place with which he confirms his arguments.

68. *Candidatorum.*] They who sued for a magistracy wore a white garment that they might be seen by all.

70. *Augusta centuriarum auspicia.*] That is, at the *comitia centuriata*, in which the consuls were elected, of these *comitia* he spoke, *pro Rabirio Perd. reo. parag.* 2. *l.* 52. They were called august, because they were consecrated by religious ceremonies.

71. *In hoc.*] Milo.

74. *Impunitatis spem.*] He now proves that Clodius had laid snares for Milo from the hope of impunity, which hope, he says, was far greater in Clodius than in Milo, because he despised both the courts, and the punishments which they inflicted.

75. *Aut præclari.*] He declares that it was an illustrious thing that Clodius was slain, for he was a disturber of the republic.

76. *Qui ita judicia.*] When he was accused of sacrilege, because in a woman's garment he had crept in to witness the sacred rites of the goddess Bona, he corrupted the judges, when he was afterwards cited to trial by Milo for violence, he declined appearing on account of his authority.

77. *Per naturam fas esset.*] By the greatest wickedness Clodius had been guilty of incest.

78. *Per leges liceret.*] Clodius was certainly one of the most pestilent demagogues that ever disgraced the annals of any state; an open contemner of gods and men; valuing nothing, but in proportion as it was desperate, and above the reach of others; in a word. a most profligate libertine, and audacious villain.

1. *Sed quid ego argumentor?*] Cicero now proves that Clodius, according to his own testimony, had a design of killing Milo.

4. *Triduo.*] Almost all these things which follow during the space of three

duo; post diem tertium gesta res est, quam dixerat; cùm ille non dubitaret aperire, quid cogitaret: vos potestis dubitare, quid fecerit? Quemadmodum igitur eum dies non fefellit? dixit equidem modò Dictatoris Lanuvini stata sacrificia nôsse, negotii nihil erat; vidit necesse esse Miloni proficisci Lanuvium illo ipso, quo profectus est, die: itaque antevertit; at quo die? quo, ut ante dixi, fuit insanissima concio ab ipsius mercenario tribuno-plebis concitata: quem diem ille, quam concionem, quos clamores, nisi ad cogitatum facinus approperaret, nunquam reliquisset. Ergo illi ne causa quidem itineris, etiam causa manendi: Miloni manendi nulla facultas, exeundi non causa solùm, sed etiam necessitas fuit. Quid, si, ut ille scivit Milonem fore eo die in viâ, sic Clodium Milo ne suspicari quidem potuit? Primùm quæro, qui scire potuerit: quod vos idem in Clodio quærere non potestis; ut enim neminem alium, nisi T. Patinam, familiarissimum suum, rogasset, scire potuit, illo ipso die Lanuvii à Dictatore Milone prodi flaminem necesse esse; sed erant permulti alii, ex quibus id facillimè scire posset, omnes scilicet Lanuvini. Milo de Clodii reditu unde quæsivit? quæsierit sane. Videte, quid vobis largiar; servum etiam, ut Arrius, meus amicus, dixit, corruperit. Legite testimonia testium vestrorum; dixit C. Cassinius, cognomento Schola, Interamnas, familiarissimus et idem comes P. Clodii (cujus jampridem testimonio Clodius eâdem horâ Interamnæ fuerat et Romæ) P. Clodium illo die in Albano mansurum fuisse; sed subitò ei esse nunciatum, Cyrum architectum esse mortuum: itaque Romam repentè constituisse proficisci; dixit hoc comes item P. Clodii, C. Clodius. Videte, Judices, quantæ res his testimoniis sint confectæ. Primùm certe liberatur Milo, non eo consilio profectus esse, ut insidiaretur in viâ Clodio: quippe qui ei obvius futurus omnino non erat; deinde (non enim video, cur non meum quoque agam negotium) scitis, Judices, fuisse, qui in hac rogatione suadendâ dicerent, Milonis manu cædem esse factam, consilio vero majoris alicujus. Videlicet me latronem ac sicarium abjecti

days are expounded in the narrative.

11. *Mercenario.*] This was Quintus Pompey, who, on the day on which Clodius was slain, held a riotous assembly, in which he said many reproachful things both of Milo and Cicero.

18. *T. Patinam.*] Titus Patinas resided in Lanurium, and was an intimate acquaintance of Clodius.

23. *Arrius.*] He speaks of this Arrius in his oration against Vatinius.

24. *Interamnas.*] Interamnæ was a city of Umbria, and was so called because it was situated between two rivers. The moderns call it Terni.

26. *Interamnæ fuerat et Romæ.*] Cicero shows that he could not believe the testimony of this Cassinius, who said that he was with Clodius when slain by Milo. For this same Cassinius, a sworn witness, had said that Clodius was at Interamna when he was caught at Rome, in a woman's dress, profaning the sacred rites of the goddess Bona.

27. *In Albana mansurum.*] Clodius had a villa in the Alban field, which took its name from Alba, which governed the empire three hundred and thirty years before Rome was founded.

Ib. *Cyrum Architectum.*] Cicero mentions this Cyrus in his letters to his brother Quintus, and to Atticus. He was an architect.

29. *C. Clodius.*] C. Clodius, whose two sons were Milo's accusers, was the brother of Publius.

Ib. *Videte, Judices.*] Cicero concludes that Milo did not lay snares for Clodius, because no one could lay snares for him whom he did not expect to meet; but Milo did not, according to the testimony of the adversaries, know that he would meet Clodius.

35. *Majoris alicujus.*] Cicero himself, who had been consul, was more exalted in dignity than Milo.

Ib *Abjecti homines.*] Q. Pompeius Rufus and C. Sallustius, as appears from Asconius.

homines et perditi describebant. [a] Jacent suis testibus ii, qui Clodium negant eo die Romam, nisi de Cyro auditum esset, rediturum fuisse. Respiravi: liberatus sum: non vereor, ne, quod ne suspicari quidem potuerim, videar id cogitasse. Nunc persequar cætera; nam occurrit illud: Igitur ne Clodius quidem de insidiis cogitavit, quoniam fuit in Albano mansurus, si quidem exiturus ad cædem è villâ non fuisset, video enim illum, qui dicitur de Cyri morte nunciasse, non id nunciasse, sed Milonem appropinquare; nam quid de Cyro nunciaret, quem Clodius Româ proficiscens reliquerat morientem? unà fui: testamentum simul obsignavi cum Clodio: testamentum autem palam fecerat, et illum hæredem et me scripserat; quem pridie horâ tertiâ animam efflantem reliquisset, eum mortuum postridie horâ decimâ denique ei nunciabatur? [b] Age, sit ita factum: quæ causa, cur Romam properaret? cur in noctem se conjiceret? quid afferebat festinatio? quòd hæres erat? primum erat nihil, cur properato opus esset: deinde, si quid esset, quid tandem erat, quod eâ nocte consequi posset; amitteret autem, si postridie mane Romam venisset? Atque ut illi nocturnus ad urbem adventus vitandus potius, quàm expetendus fuit: sic Miloni, cùm insidiator esset, si illum ad urbem noctu accessurum sciebat, subsistendum atque expectandum fuit.

SECUNDA PROBATIO.

A concomitantibus, sive ab ipsis facti circumstantiis.

XI. Noctu, invidioso et pleno latronum in loco occidisset; nemo ei neganti non credidisset, quem esse omnes salvum, etiam confitentem, volunt. [c] Sustinuisset hoc crimen primùm ipse ille latronum occultator, et receptator locus, dum neque muta solitudo indicasset, neque cæca nox ostendisset Milonem: deinde ibi multi ab illo violati, spoliati, bonis expulsi, multi etiam hæc timentes in suspicionem caderent; tota denique rea citaretur Etruria. Atque die illo certè Aricià rediens divertit Clodius ad Albanum; quod [d] ut sciret illum Milo Ariciæ fuisse suspicari tamen debuit, eum, etiam si Romam illo die re-

a *convincuntur.* b *esto.* c *locum ipsum omnes criminarentur.* d *etsi.*

40. *Clodius quidem de insidiis cogitavit.*] The Clodians said that Clodius had not even thought of laying snares, as he intended remaining at Alba on that day. But that he had left it to return to Rome when he heard of the death of Cyrus. Cicero rejects that excuse, because he had left him breathing his last; therefore, it was not concerning the death of Clodius, but the approach of Milo which he had heard.

44. *Testamentum simul obsignavi?*] In making wills it was necessary that seven witnesses be present, after which the heirs subscribed and sealed the will. But any heir might be a witness, as may be inferred from this place in Cicero.

46. *Horâ tertiâ.*] Our nine o'clock.

47. *Horâ decimâ.*] Four in the afternoon.

49. *Cur in noctem.*] That is, why did he begin his journey at four o'clock, which was only two hours before night.

51. *Deinde, si quid esset.*] Nothing could then be done at Rome, either concerning the inheritance or before the senate.

55. *Subsistendum.*] Secretly to wait and remain in ambuscade until Clodius should come.

4. *Et receptator locus.*] In the Appian way stood the tomb of one Basilius, a place which had become famous for the many murders committed at it.

5. *Ab illo.*] By Clodius.

7. *Etruria.*] Clodius had often endeavoured to drive the Tuscans by force from their possessions. Etruri was a country of Italy, which lay on the Tuscan sea, and extended to the bank of the Tiber.

Ib. *Aricià.*] Clodius, when he went to meet Milo, returned from Aricia where he had spoken to the Aricine decurions. Aricia was a town of Latium, on the Appian way.

verti vellet, ad villam suam, quæ viam tangeret, diversurum; cur neque ante occurrit, ne in villâ resideret; nec eo in loco subsedit, quo ille noctu venturus esset? Video adhuc constare omnia, Judices: Miloni etiam utile fuisse, Clodium vivere; illi, ad ea quæ concupierat, optatissimum interitum Milonis fuisse: odium fuisse illius in hunc acerbissimum, in illum hujus nullum: consuetudinem illius perpetuam in vi inferendâ; hujus tantùm in repellendâ: mortem ab illo denunciantam Miloni, et prædicatam palàm; nihil unquam auditum ex Milone: profectionis hujus diem illi notum; reditum illius huic ignotum fuisse: hujus iter necessarium; illius etiam potiùs alienum: hunc præ se tulisse se illo die Româ exiturum; illum eo die se dissimulasse rediturum: hanc nullius rei mutasse consilium; illum causam mutandi consilii finxisse: huic, si insidiaretur, noctem prope urbem expectandam; illi, etiam si hunc non timeret, tamen accessum ad urbem nocturnum fuisse metuendum. Videamus nunc id, quod caput est: locus ad insidias ille ipse, ubi congressi sunt, utri tandem fuerit aptior? Id verò, Judices, etiam dubitandum, et diutiùs cogitandum est? ante fundum Clodii: quo in fundo propter [a] insanas illas substructiones facilè mille hominum versabatur valentium? edito atque excelso superiorem se fore putabat Milo, et ob eam rem eum locum ad pugnam potissimùm delegerat? an in eo loco est potiùs expectatus ab eo, qui ipsius loci spe facere impetum cogitarat? Res loquitur, Judices, ipsa: quæ semper valet plurimum; si hæc non gesta audiretis, sed picta videretis: tamen appareret, uter esset insidiator, uter nihil cogitaret mali; cùm alter veheretur in rhedâ penulatus, unà sederet uxor: quid horum non impeditissimum? vestitus, an vehiculum, an comes? quid minus promptum ad pugnam? cùm penulâ irretitus, rhedâ impeditus, uxore penè constrictus esset. Videte nunc illum, primum egredientem è villâ subitò: cur vesperi? quid necesse est tardè? quî convenit, præsertim id temporis? Divertit in villam Pompeii. Pompeium ut videret? sciebat in Alsiensi esse; villam ut perspiceret? millies in eâ fuerat; quid ergo erat moræ et tergiversationis? dum hîc veniret, locum relinquere noluit. Age, nunc iter expediti latronis cum Milonis impedimentis comparate. Semper ille antea cum uxore: tum sine eâ: nunquam non in rhedâ; tum in equo: comites Græculi, quocunque ibat, etiam cùm in castra Etrusca properabat: tum nugarum in comitatu nihil. Milo, qui nunquam, tum casu pueros symphoniacos uxoris ducebat et ancillarum greges: ille

a *magna ædificia.*

26. *Ante fundum.*] Fundus, in law, is properly a field with a house in it; for says Ulpiamus, *omnino fundus integrum aliquid est.*

28. *Mille hominum.*] He does not intend artificers but servants; many of whom Clodius had on his farm, to defend and repair the borders.

Ib. *Edito atque excelso loco.*] The opposite party had objected that Milo had occupied an elevated place to kill Clodius, but Cicero answers that Milo was waited for by Clodius.

39. *Id temporis.*] In the month of February.

40. *Alsiensi esse.*] Alsium was a town at the mouth of the Tiber.

45. *In castra Etrusca properabat.*] Cicero frequently charges Clodius with having had a share in Catiline's conspiracy, and this is what he refers to here. For Clodius, as we are told by Asconius, left Rome in order to join the camp of Catiline when it lay at Fesulæ, in Tuscany, but after he had set out he repented and returned to the city.

46. *Nugarum.*] Clodius had no such retinue with him, collected for the purpose of pleasure.

qui semper secum [a] scorta, semper exoletos, semper [b] lupas duceret; tum neminem, nisi ut virum à viro lectum esse diceres. Cur igitur victus est? quia non semper viator à latrone, nonnunquam etiam latro a viatore occiditur: quia quanquam paratus in imparatos Clodius, tamen mulier inciderat in viros; [c] nec verò sic erat unquam non paratus Milo contra illum, ut non satis ferè esset paratus; semper ille, et quantum interesset P. Clodii se perire, et quanto illi odio esset, et quantum ille auderet, cogitabat; quamobrem vitam suam, quàm maximis præmiis propositam et penè [d] addictam sciebat. Nunquam in periculum sine præsidio et sine custodiâ projiciebat. Adde casus, adde incertos exitus pugnarum, [e] Martemque communem: qui sæpe spoliantem jam et exultantem evertit et perculit ab abjecto; adde inscitiam [f] pransi, poti, oscitantis ducis; qui cum à tergo hostem interclusum reliquisset, nihil de ejus extremis comitibus cogitavit: in quos incensos irâ vitamque domini desperantes cùm incidisset, [g] hæsit in iis pœnis, quas ab eo servi fideles pro domini vitâ expetiverunt.

TERTIA PROBATIO.

Ubi refutantur quæ de servis objiciebantur.

XII. Cur igitur eos manumisit? metuebat scilicet ne indicarent: ne dolorem perferre non possent: ne tormentis cogerentur, occisum esse á servis Milonis in Appiâ viâ P. Clodium confiteri. Quid opus est tortore? quid quæris? occideritne? occidit; jure, an injuriâ? nihil ad tortorem; facti enim in equuleo quæstio est, juris in judicio; quod igitur in causâ quærendum est, id agamus hìc: quod tormentis invenire vis, id fatemur. Manu verò cur miserit, si id potius quæris, quàm cur parum amplis affecerit præmiis; nescis inimici factum reprehendere; dixit enim hic idem, qui omnia semper constanter et fortiter, M. Cato; dixitque in turbulentâ concione, quæ tamen ejus auctoritate placata est, non libertate solùm, sed etiam omnibus præmiis dignissimos fuisse, qui domini caput defendissent. Quod enim præmium satis magnum est tam benevolis, tam bonis, tam fidelibus servis, propter quos vivit? etsi id quidem non tanti est, quàm quod propter eosdem non sanguine et vulneribus suis crudelissimi inimici mentem oculosque satiavit; quos nisi manumisisset, tormentis etiam dedendi fuissent, conservatores domini, ultores sceleris, defensores necis. Hic

a impudicas *mulieres*. b *meretrices*. c *nec verò tam parùm paratus erat Milo contra Clodium, quin satis esset semper*. d *destinatam*. e *pugnam ancipitem*. f *saturi, ebrii, negligentis*. g *dedit has pœnas*.

48. *Exoletos.*] Exoletus when taken as a substantive, according to Valla, signifies a *catamite* but properly one of ripe years.

49. *Virum, viro.*] There was an ancient custom among the Romans, by which the soldiers were allowed, each one, to choose out those who were their acquaintances, when they saw any great danger hanging over them.

52. *Mulier inciderat in viros.*] He calls Clodius a woman, because he was an effeminate fellow, and could easily be overcome by a brave man like Milo.

1. *Manumisit.*] A servant was said to be manumitted, when his master, holding either the hand of the same servant, or some other member, said, *Hunc hominem liberum esse volo*, and then sent him from under his hand. On the day after Clodius was slain, Milo manumitted twelve of his servants.

5. *In equuleo.*] The *equuleus* was a kind of instrument on which slaves and malefactors were tormented to make them declare the truth. It was a wooden cage, fitted with a screw to stretch or slacken it; the cords with which the arms and feet were bound, were called *fidiculæ*; the cage, being stretched, was placed erect, so that this miserable person hung as if upon a cross. At first they separated the

verò nihil habet in his malis, quod minus molestè ferat, quàm, etiam si quid ipsi accidat, esse tamen illis meritum præmium persolutum. Sed quæstiones urgent Milonem, quæ sunt habitæ nunc in atrio Libertatis; quibusnam de servis? rogas? de P. Clodii; quis eos postulavit? Appius; quis produxit? Appius; unde? ab Appio. Dii boni! quid potest agi severiùs? de servis nulla quæstio est in dominum, nisi de incestu, ut fuit in Clodium; proximè deos accessit Clodius, propiùs quàm tum, cùm ad ipsos penetrarat: cujus de morte, tanquam de cæremoniis violatis, quæritur. Sed tamen majores nostri in dominum de servo quæri noluerunt, non quia non posset verum inveniri, sed quia videbatur indignum esse, et dominis morte ipsâ tristius; in reum de servis accusatoris cùm quæritur, verum inveniri potest? Age verò, quæ erat, aut qualis quæstio? heus ubi Ruscio, ubi Casca? Clodius insidias fecit Miloni? fecit: certa crux. Nullas fecit: sperata libertas. Quid hâc quæstione certius, subitò arrepti in quæstionem, tamen separantur à cæteris, et in arcas conjiciuntur; ne quis cum iis colloqui possit; hi centum dies [d] penès accusatorem cùm fuissent, ab eo ipso accusatore producti sunt; quid hâc quæstione dici potest integrius? quid incorruptius?

QUARTA PROBATIO.

A consequentibus, Milonem non fecisse insidias.

XIII. Quod si nondum satis cernitis, cùm res ipsa tot tam claris argumentis signisque luceat, purâ mente atque integrâ Milonem, nullo scelere imbutum, nullo metu perterritum, nullâ conscientiâ exanimatum, Romam revertisse: recordamini, per deos immortales, quæ fuerit celeritas reditus ejus: qui ingressus in forum, ardente curiâ: quæ

a *apud.*

ligaments by which the bones were connected, then applied red hot plates of iron, and, with double hooks, tore the sides to increase the agony of the person tormented.

20. *Sed quæstiones urgent Milonem.*] As Milo's servants had been manumitted, they could not be subjected to the torture. A. Clodius, the son of C. Clodius, and nephew of him that was slain, demanded that his uncle's servants should be put to the torture.

Ib. *In atrio libertatis.*] Cicero in his second book, *De natura Deourm,* informs us that the ancient Romans worshipped Liberty as a goddess. Sempronius Gracchus caused a temple to be erected to her on the Aventine hill, out of the money raised by fines, as we are told by Livy *lib.* 24.

22. *Dii boni.*] He reproves the severity of the accusers, because the servants of Clodius were not to be tortured, but those of Milo; neither can servants be heard in court against their masters, except in cases of incest, as on a certain occasion was done against Clodius, when accused of incest with his sister.

25. *Cùm ad ipsos penetrarat.*] The orator refers here to what he mentions in a variety of places, viz. Clodius' polluting the mysteries of the goddess Bona. Of this goddess, and the sacrifices offered to her, Cicero speaks in his oration concerning the answers of the Aruspices.

30. *Heus ubi Ruscio, ubi Casca?*] These are the names of servants, who were called and interrogated by Appius before he put them to the torture.

32. *Sperata libertas.*] Appius tells the servant that he might hope for liberty, upon which he wavers in his testimony.

33. *In arcas conjiciuntur.*] These dungeons were separate cells, which the lawyers called the *malas mansiones.*. But the torments for eliciting the truth were *ignis, rota, flagella, equuleus, aculeus, fidiculæ.*

34. *Hi centum dies.*] One hundred days intervened between the time at which Clodius was slain, and the trial of Milo.

5. *Celeritas reditûs ejus.*] Asconius says, that Milo returned to Rome on the very night on which the senate house was

magnitudo animi: qui vultus: quæ oratio. Neque verò se populo solùm, sed etiam Senatui commisit: neque Senatui modò, sed etiam publicis præsidiis et armis: neque his tantùm, verùm etiam ejus potestati, cui Senatus totam rempublicam, omnem Italiæ [a] pubem, cuncta populi Rom. arma commiserat; cui se nunquam hic profectò tradidisset, nisi causæ suæ confideret; præsertim omnia audienti, magna metuenti, multa suspicanti, nonulla credenti. Magna vis est conscientiæ, Judices et magna in utramque partem: ut neque timeant, qui nihil commiserint, et pœnam semper ante oculos versari putent, qui peccarint. Neque verò sine certâ ratione causa Milonis semper à Senatu probata est; videbant enim sapientissimi homines facti rationem, [b] præsentiam animi, defensionis constantiam. An verò obliti estis, Judices, recenti illo nuncio necis Clodianæ, non modò inimicorum Milonis sermones et opiniones, sed nonullorum etiam imperitorum, qui negabant eum Romam esse rediturum? Sive enim illud animo irato ac [c] percito fecisset, ut incensus odio trucidaret inimicum, arbitrabantur eum tanti mortem P. Clodii putasse, ut æquo animo patriâ careret, cùm sanguine inimici explesset odium suum: sive etiam illius morte patriam liberare voluisset, non dubitaturum fortem virum, quin, cùm suo periculo salutem reipublicæ attulisset, cederet æquo animo legibus, secum auferret gloriam sempiternam, nobis hæc fruenda linqueret, quæ ipse servasset. Multi etiam Catilinam, atque illa portenta loquebantur: ERUMPET, occupabit aliquem locum, bellum patriæ faciet; miseros interdum cives optimè de republicâ meritos, in quibus homines non modò res præclarissimas obliviscuntur, sed etiam nefarias suspicantur! Ergo illa falsa fuerunt: quæ certè vera exstitissent, si Milo admisisset aliquid, quod non posset honestè verèque defendere. Quid quæ postea sunt in eum congesta? quæ quamvis etiam mediocrium delictorum conscientiâ [d] perculissent, ut sustinuit? dii immortales! sustinuit? immo verò ut contempsit, ac pro nihilo putavit? quæ neque maximo animo nocens, neque innocens, nisi fortissimus vir, negligere potuisset; scutorum, gladiorum, frenorum,

a *juventutem.* b *securitatem.* c *commoto.* d *permovissent*

burnt, although many others suppose, on good grounds, that he went into immediate exile.

Ib. *Ardente curiâ.*] See note *ad. l.* 28. *parag.* 8. of this oration.

6. *Neque se populo solùm, sed etiam Senatui.*] The Roman people formerly exercised the right of judging, as appears from the cause of Rabirius who was accused of treason. The senate judged in more atrocious causes, as in the cases of those who followed Catiline; and, finally, the consuls, when commanded, by a decree of the senate, to see that the republic should receive no injury.

8. *Ejus potestati.*] Pompey is here meant, to whom the senate gave an unlimited commission to see that the republic should receive no injury, either from Milo or the Clodian faction.

25. *Cederet æquo animo legibus.*] That is, let him obey the laws, which command that he who has killed a citizen go into exile.

27. *Multi etiam Catilinam.*] Many supposed that, like Catiline, he would make war upon his country.

Ib. *Atque illa portenta.*] He intends those pernicious citizens who followed Catiline as a leader, such as Lentulus, Cethegus, and many others, concerning whom he speaks in *Orat. con. Catilinam.*

33. *In eum congesta.*] So many things were said of him that he returned to Rome, but if he had been conscious of the least fault, and alarmed by this consciousness, he would have immediately withdrawn himself from the city like Catiline, who, being frightened at Cicero's oration, withdrew from Rome in the night.

38. *Sparorum.*] A kind of small rustic weapon, so called from *spargendo*, be-

sparorum, pilorumque etiam multitudo deprehendi posse judicabatur: nullum in urbe vicum, nullum angiportum esse dicebant, in quo Miloni non esset conducta domus: arma in villam Ocriculanam devecta Tiberi; domus in clivo Capitolino scutis referta; plena omnia malleolorum ad urbis incendia comparatorum. Hæc non delata solùm, sed penè credita: nec ante [a] repudiata sunt, quàm quæsita. Laudabam equidem incredibilem diligentiam Cn. Pompeii: sed dicam, ut sentio, Judices; nimis multa audire coguntur, neque aliter facere possunt ii, quibus tota commissa est respublica; quin etiam audiendus sit popa Licinius nescio quis de Circo maximo, servos Milonis apud se ebrios factos, sibi confessos esse, de interficiendo Cn. Pompeio conjurasse: deinde postea se gladio percussum esse ab uno de illis, ne indicaret. Pompeio in hortos nuntiavit; arcessor in primis; de amicorum sententiâ rem defert ad Senatum; non poteram in illius mei patriæque custodi tantâ suspicione non metu exanimari: sed mirabar tamen credi popæ; [ebriosorum] confessionem servorum audiri; vulnus in latere, quod acu punctum videretur, pro ictu gladiatoris probari. Verùm tamen, ut intelligo, cavebat magis Pompeius, quàm timebat, non ea solùm quæ timenda erant, sed omnino omnia, ne aliquid vos timeretis. Oppugnata domus C. Cæsaris, clarissimi et fortissimi viri, per multas noctis horas nunciabatur: nemo audierat tam celebri loco, nemo senserat: tamen audiebatur: non poteram Cn. Pompeium, præstantissimâ virtute civem, timidum suspicari: diligentiam, totâ republicâ susceptâ, nimiam nullam putabam. Frequentissimo Senatu nuper in Capitolio Senator inventus est, qui Milonem cum telo esse diceret; nudavit se in sanctissimo templo, quoniam vita talis

a *rejecta.*

cause they were scattered among the enemy.

39. *In urbe vicum.*] Varro says, there were three kinds of streets in the city, the *vici*, which were broad streets with an egress from every part, the *fundulæ*, or those which were without any egress, and the *angipotæ* or *angiportus*.

Ib. *Angiportum.*] These were narrow ways, through which nothing could be driven to the gates.

40. *Ocriculanam.*] Ocricula was a city in Umbria, opposite Etruria, near the Tiber, where Milo had a house.

42. *Malleolorum.*] These, according to Nonius, were small bundles of broom covered over with pitch, which, being kindled, were thrown on the walls or roofs of houses. The word is sometimes used in a general sense to signify any thing combustible.

47. *Popa.*] Popa is that master of sacrifices who slew the beasts by striking them with a mallet on the forehead. It was also his office to purify impure houses, for the ancients believed that a whole family was polluted by the death of one person.

Ib. *De Circo maximo.*] That is, *de plebe sacrificiorum*, for thus he used to speak of low men. And indeed Suetonius informs, that there was a set of abandoned wretches who lived near the circus Maximus, of whom probably this Licinus was one. There were three circuses, one called *Maximus*, between the Palatine and Aventine hills, another the circus *Apollinaris*, and a third in the *Vaticanum*.

48. *Apud se ebrios.*] Licinius kept a tavern in the great circus, where he sold wine.

Ib. *Sibi confessos esse.*] Cicero objects to the testimony of those servants, because drunken men could not be believed.

55. *Cavebat magis Pompeius.*] He here endeavours to sooth the mind of Pompey, by saying that he had not reported to the senate because he feared, but to liberate others from fear.

59. *Tam celebri loco.*] Cæsar, from the time that he was made *pontifex Maximus*, lived in a large house in the *via sacra*, which was not far from the forum.

62. *Senator.*] Asconius says, that this senator was P. Cornificius, and that Cicero then exclaimed, *Talia omnia sunt crimina de Milone perlata.*

63. *Quoniam vita talis*, &c.] The Romans considered it the greatest crime for

et civis et viri fidem non faciebat, ut, eo tacente, res ipsa loqueretur; omniá falsa, atque insidiosè ficta comperta sunt.

XIV. Quòd si tamen metuitur etiam nunc Milo, non hoc jam Clodianum crimen timemus, sed tuas, Cn. Pompeii, (te enim jam appello eâ voce, ut me audire possis) tuas, tuas, inquam, suspiciones perhorrescimus. Si Milonem times, si hunc de tuâ vitâ nefariè aut nunc cogitare, aut molitum aliquando aliquid putas; si Italiæ [a] delectus, ut nonnulli conquisitores tui dictitant, si hæc arma, si Capitolinæ cohortes, si excubiæ, si vigilæ, si delecta juventus, quæ tuum corpus domumque custodit, contra Milonis impetum armata est, atque illa omnia in hunc unum instituta, parata, intenta sunt: magna in hoc certè vis, et incredibilis animus, et non unius viri vires atque opes indicantur, siquidem in hunc unum et præstantissimus dux electus, et tota respublica armata est. Sed quis non intelligit, omnes tibi reipublicæ partes ægras et labantes, ut eas his armis sanares et confirmares, esse commissas? Quòd si Miloni locus datus esset, probasset profectò tibi ipsi, neminem unquàm hominem homini ariorem fuisse, quàm te sibi: nullum se unquam periculum pro tuâ dignitate fugisse: cum illâ ipsâ teterrimâ [b] peste sæpissimè pro tuâ gloriâ contendisse: tribunatum suum ad salutem meam, quæ tibi charissima fuisset, consiliis tuis gubernatum: se à te postea defensum in periculo capitis, adjutum in petitione Præturæ: duos se habere semper amicissimos sperasse, te tuo beneficio, me suo; quæ si non probaret: si tibi ita penitus [c] insedisset ista suspicio, nullo ut evelli modo posset; si denique Italia à delectu, urbs ab armis, sine Milonis clade, nunquam esset conquietura; næ iste haud dubitans cessisset patriâ, is, qui ita natus est, et ita consuevit; te, Magne, tamen antestaretur; quod nunc etiam facit. Vide quàm sit varia vitæ commutabilisque ratio, quàm vaga volubilisque fortuna, quantæ infidelitates in amicis, quám ad tempus [d] aptæ simulationes, quantæ in periculis fugæ proximorum, quantæ timiditates! erit, erit illud profectò tempus, et illucescet aliquando ille dies, cùm tu salutaribus, ut spero, rebus tuis, sed fortasse [e] motu aliquo communium temporum immutatis (qui quàm crebrò accidat, experti debemus scire) et amicissimi benevolentiam, et gravissimi hominis fidem, et unius post homines natos fortissimi

a *collecti milites.* b *Clodio.* c *infixa esset.*
d *accommodatæ.* e *discordiâ civili.*

any one to strip himself, but Milo had been forced to it by the dishonesty of that senator, that he might remove the suspicion of so great a crime.

3. *Perhorrescimus.*] Cicero did not fear for Milo, because Clodius had been slain by him, but because Pompey was afraid that he had prepared secret treachery for himself.

6. *Conquisitores tui.*] These were either lictors or satellites, or spies, to whom some office had been intrusted either by the consul, or some other magistrate.

Ib *Capitolinæ cohortes.*] Cohortes were placed in the Capitol to guard the city when there was any danger of a sedition.

14. *Quòd si Miloni.*] Milo wished to come to Pompey, delaying his gardens on account of the danger, but he declared to him, by his neighbour, that he should not come as Asconius says.

19. *Defensum.*] Milo being accused of violence, was defended by Pompey after his tribuneship, upon whom, when speaking, the Clodians made an attack.

21. *Te tuo.*] Pompey had bound Milo to himself, when, by his kindness, he defended him.

Ib. *Me suo.*] Milo had done a kindness to Cicero, because he greatly assisted his return to the city.

25. *Te antestaretur.*] *Antestari aliquem* is to call any one as a witness to an arrest,

viri magnitudinem animi desideres. Quanquam quis hoc credat, Cn. Pompeium, juris publici, moris majorum, rei denique publicæ peritissimum, cùm Senatus ei commiserit, ut videret NE QUID RESPUBLICA DETRIMENTI CAPERET ([a] quo uno versiculo satis armati semper consules fuerunt, etiam nullis armis datis) hunc exercitu, hunc delectu dato, judicium expectaturum fuisse in ejus consiliis vindicandis, qui vel judicia ipsa tolleret? satis judicatum est à Pompeio, falsò ista conferri in Milonem, qui legem tulit, quâ, ut ego sentio, Milonem absolvi à vobis oportéret: ut omnes confitentur, liceret. Quòd verò in illo loco, atque illis [b] publicorum præsidiorum copiis circumfusus sedet; satis declarat, se non terrorem inferre vobis (quid enim illo minus dignum quàm cogere ut vos eum condemnetis, in quem animadvertere ipse, et more majorum, et suo jure posset?) sed præsidio esse: ut intelligatis contra hesternam concionem illam licere vobis, quod sentiatis, liberè judicare.

SECUNDA PARS.

CONFUTATIONIS.

Gloriosum Miloni fuisse Clodium interfecisse.

XI. Nec verò me, Judices, [c] Clodianum crimen movet: nec tam sum demens, tamque [d] vestri sensûs ignarus atque expers, ut nesciam quid de morte Clodii sentiatis; de quâ si jam nollem ita diluere crimen, ut dilui, tamen impunè Miloni palàm clamare, atque mentiri gloriosè liceret: Occîdi, occîdi non Sp. Melium qui annonâ levandâ, jacturisque rei familiaris, quia nimis [e] amplecti plebem putabatur, in suspicionem incidit regni appetendi: non Tiberium Gracchum, qui [f] collegæ magistratum per seditionem abrogavit: quorum interfectores implerunt orbem terrarum nominis sui gloriâ: sed etiam (auderet enim dicere, cùm patriam periculo suo liberasset) cujus ne-

a *quo dicto.* b *militum.* c *cædes Clodii.*
d *sententiæ vestræ.* e *amare.* f *collegam deposuit magistratu.*

&c. by touching his ear.

46. *Suo jure posset.*] As Pompey was consul, he could oppress Milo without a trial, in consequence of the power given to him, to see that the republic received no injury.

47. *Contra hesternam concionem.*] On the day before this trial, Munatius Plancus, a tribune of the people, held a seditious assembly, in which he exhorted the people to be present in great numbers at the trial on the following day, and not to suffer Milo to escape. In that assembly he seemed to dictate to the judges what sentence they should pass; but Cicero says, that Pompey, fearing lest something should be done seditiously by the people, placed guards around the forum.

4. *Mentiri gloriosè.*] It was not Milo, but his servants, that killed Clodius.

5. *Non Sp. Melium.*] Cicero, by arguing from the less to the greater, says that Milo had obtained greater glory by killing Clodius than Ahala by killing Sp. Melius. For Melius when he saw the dearness of provision, purchased corn at his own private expense, and gave it to the citizens: from this he was suspected of aspiring to the kingdom, and was slain by the command of Quintius the dictator, by Servilius Ahala, the master of the horse.

Ib. *Annonâ levandâ.*] *Annona* is properly taken for corn, but in a general sense it includes all kinds of provision.

7. *Tiberium Gracchum.*] Gracchus deposed Octavius, his colleague, from the magistracy, because he opposed his measures, for he wished to make an Agrarian law, by which he intended to divide the public lands among the people. But when none of the consuls or tribunes would oppose him, Scipio Nasica, who was considered one of the best of men, rushed into the assembly and slew T. Gracchus.

10. *Cujus nefandum adulterium.*] He now opposes the crimes of Clodius, or the violation of the rights of the goddess Bona to their crimes; for if they, who were only suspected of a crime, were supposed to have been justly slain, how much more

fandum adulterium in pulvinaribus sanctissimis nobilissimæ fœminæ comprehenderunt: eum, cujus supplicio Senatus solemnes religiones expiandas sæpe censuit: eum, quem cum sorore germanâ nefarium stuprum fecisse L. Lucullus juratus se, quæstionibus habitis, dixit comperisse: eum, qui civem, quem Senatus, quem populus, quem omnes gentes, urbis ac vitæ civium conservatorem judicabant, servorum armis [a] exterminavit: eum, qui regna dedit, ademit; orbem terrarum, quibuscum voluit, partitus est: eum, qui plurimis cædibus in foro factis, singulari virtute et gloriâ civem domum vi et armis compulit; eum, cui nihil unquam nefas fuit nec in facinore, nec in libidine: eum, qui ædem nympharum incendit, ut memoriam publicam recensionis tabulis publicis [b] impressam extingueret: eum denique, cui jam nulla lex erat, nullum civile jus, nulli possessionum termini; qui non calumniâ litium, non injustis vindiciis ac sacramentis alienos [c] fundos, sed castris, exercitu, signis inferendis petebat: qui non solùm Etruscos (eos enim penitus contempserat) sed hunc Cn. Pompeium, virum fortissimum, atque optimum civem, judicem nostrum pellere possessionibus, armis castrisque conatus est: qui cum architectis et decempedis villas multorum hortosque peragrabat: qui Janiculo

a *expulit.* b *descriptam.* c *possessiones.*

justly was Clodius slain, who had polluted the sacrifices by his infamous conduct, and was caught in the act.

11. *In pulvinaribus.*] That is, in the very inner parts of the temple.

14. *L. Lucullus.*] Lucullus being summoned into court to give testimony concerning the life of Clodius, said, that he by torments, had found out from the maids, that Clodius had been guilty of a criminal connexion with his sister, who was married to Lucullus himself.

16. *Conservatorem.*] Cicero here refers to himself.

17. *Regna dedit, ademit.*] Clodius enacted a law against Ptolemy, king of Cyprus, to deprive him of his kingdom, to reduce it to a Roman province, and to confiscate his whole estate. This prince was a brother to the king of Egypt, reigned by the same right of hereditary succession, was in full peace and amity with Rome, accused of no practices, nor suspected of any design against the republic. But Clodius had an old grudge against him, for refusing to ransom him when taken by the pirates, and sending him only the contemptible sum of two talents. That his law, therefore, might have the greater appearance of justice, Cato was charged with the execution of it, which gave Clodius the additional pleasure, of imposing such a task upon the gravest man in Rome.

18. *In foro.*] That is the temple of Castor, which was near the forum, in which temple Clodius had placed a servant, from whose hands a dagger was taken and brought to Gabinius. The servant, when questioned, answered, that he had been commanded by Clodius to kill Pompey, for which reason Pompey kept himself at home.

21. *Ædem nympharum.*] The nymphs presiding over fountains, had a temple erected to them at Rome, that they might prove propitious in preventing fires; this temple was set on fire by Clodius.

Ib. *Ut memoriam publicam recensionis.*] The censors at every lustration used to judge all the tribes, and had tablets on which they marked all the crimes of the citizens. But, as Clodius knew that all his crimes were written in the public records, and preserved in the temple, he burnt it that the remembrance of them might be destroyed.

24. *Calumniâ.*] A cunning and malicious interpretation of the law.

26. *Etruscos.*] He said above, that the forests of the Tuscans had been laid waste by Clodius, upon whom he now carried on war as if against an enemy.

Ib. *Cn. Pompeium.*] There is no doubt but this Cn. Pompey was a distinct person from Pompey the great, as he was not a judge in this cause, being then a consul. It may have been Q. Pompey, who was an enemy to Milo. But others more correctly read Q. Varium for Cn. Pompeium.

29. *Decempedis.*] This word seems here to be taken for surveyors or measurers.

Ib. *Janiculo.*] Janiculum was an ancient city of Etruria, on the nearer bank of the Tiber; it took its name from Janus, the most ancient god of Italy, by whom it was

et Alpibus spem possessionum terminabat suarum: qui, cùm ab equite Romano, splendido et forti viro, T. Pacavio, non impetrasset, ut insulam in lacu Pretio venderet, [a] repentè lintribus in eam insulam, materiem, calcem, cæmenta atque arma convexit; dominoque trans ripam inspectante, non dubitavit ædificium exstruere in alieno: qui huic T. Furfanio, cui viro, dii immortales! (quid enim ego de mulierculâ Scantiâ? quid de adolescente Apronio dicam? quorum utrique mortem est minitatus, nisi sibi hortorum possessione cessissent) sed ausus est Furfanio dicere, si sibi pecuniam, quantam poposcerat, non dedisset, mortuum se in domum ejus illaturum; quâ invidiâ huic esset tali viro conflagrandum: qui Appium fratrem, hominem mihi conjunctum fidissimâ gratiâ, absentem de possessione fundi dejecit; qui parietem sic per vestibulum sororis instituit [b] ducere, sic agere fundamenta, ut sororem non modò vestibulo privaret, sed omni aditu et limine.

XVI. Quanquam hæc quidem jam tolerabilia videbantur, etsi [c] æquabiliter in remp. in privatos, in longinquos, in propinquos, in alienos, in suos irruebat: sed nescio quomodo jam usu obduruerat, et percalluerat civitatis incredibilis patientia. Quæ verò aderant jam et impendebant, quonam modo ea aut depellere potuissetis, aut ferre? Imperium si ille nactus esset, omitto socios, exteras nationes, reges, tetrarchas: vota enim faceretis, ut in eos se potius mitteret, quàm in vestras possessiones, vestra tecta, vestras pecunias: pecunias dico? à liberis, à liberis medius-fidius, et à conjugibus vestris nunquam ille effrenatas suas libidines cohibuisset. Fingi hæc putatis, quæ patent, quæ nota sunt omnibus, quæ tenentur? servorum exercitus illum in urbe conscripturum fuisse, per quos totam rempub. resque privatas omnium possideret? Quamobrem si cruentum gladium tenens clamaret T. Annius, ADESTE, quæso, atque audite, cives; P. Clodium interfeci: ejus furores, quos nullis jam legibus, nullis judiciis frenare poteramus, hoc ferro et hâc dexterâ a cervicibus vestris repuli; per me unum effectum est, ut jus, æquitas, leges, libertas, pudor, pudi-

a *subito*. b *ædificare*. c *æqualiter*.

founded when he divided all Italy with Saturn, who also built another city on the opposite side of the Tiber, and called it Saturnia, as appears from *Virg. lib.* 8. *Æneid*, but Cicero wishes to show that he wanted to claim all the possessions to himself from Janiculum, or Rome, to Gaul.

32. *In lacu Pretio.*] The lake called Pretius is between Rome and Viterbius; some think that it should be called lake Prælium.

38. *Furfanio.*] Furfanius was Cicero's friend, to whom, when Prætor, he wrote as appears from *lib.* 6. *Epist. ad. Farnib.*

39. *Mortuum se in domum illaturum.*] Clodius threatened to convey a dead body into Furfanius' house, with a view of bringing him under a suspicion of having committed the murder in his own house. Or perhaps his design was to make him thereby lose the right and property of his house, because, by a dead body being brought into any house, it became sacred, and the proprietor was obliged to relinquish his title to it.

40. *Appium fratrem.*] Appius Clodius, the brother of Pub. Clodius, was called Pulcher. Cicero wrote many letters to him; he was shortly after made censor.

6. *Socios.*] They were called allies, who being conquered by the Romans, paid a certain tribute, and the tenth of the produce of their farms, but used their own laws.

9. *Medius-fidius.*] *Medius-fidius* is either three words or one, not two as some suppose; for as we say *mehercule*, so also *medius-fidius*, by both of which we swear by Hercules, as Tertullian says, *lib. de Idol.* 22. Festus thinks that it means the son of Jupiter, i. e. Hercules, because the Greeks called Jupiter *Dia*, and *fidius* may be put for *filius*, as the ancients often used *L* for *D*. Moreover some think that the

citia in civitate manerent: esset verò timendum, quonam modo id [factum] ferret civitas; nunc enim quis est, qui non probet? qui non laudet? qui non unum post hominum memoriam T. Annium plurimum reipublicæ profuisse, maximâ lætitiâ populum Romanum, cunctam Italiam, nationes omnes affecisse, et dicat, et sentiat? Nequeo vetera illa populi Romani quanta fuerint gaudia judicare; multas tamen jam summorum imperatorum clarissimas victorias ætas nostra vidit: quarum nulla neque tam diuturnam attulit lætitiam, nec tantam. Mandate hoc memoriæ, Judices; spero multa vos liberosque vestros in republicâ bona esse visuros; in his singulis ita semper existimabitis, vivo P. Clodio, nihil horum vos visuros fuisse; in spem maximam, et, quemadmodum confido, verissimam adducti sumus, hunc ipsum annum, hoc ipso summo viro Consule, compressâ hominum licentiâ, cupiditatibus fractis, legibus et judiciis constitutis, salutarem civitati fore. Num quis igitur est tam demens, qui hoc, P. Clodio vivo, contingere potuisse arbitretur? Quid? ea, quæ tenetis, privata atque vestra, dominante homine furioso, quod jus perpetuæ possessionis habere potuissent? Non timeo, Judices, ne odio inimicitiarum mearum inflammatus, libentiùs hæc in illum evomere videar, quàm veriùs; etenim etsi præcipuum esse debebat, tamen ita communis erat omnium ille hostis, ut in communi odio penè æqualiter versaretur odium meum. Non potest dici satis, nec cogitari quidem, quantum in illo sceleris, quantum exitii fuerit. Quin sic attendite, Judices; nempe hæc est quæstio de interitu P. Clodii; fingite animis (liberæ enim sunt cogitationes nostræ, et, quæ volunt, sic intuentur, ut ea cernimus, quæ videmus) fingite igitur cogitatione imaginem hujus conditionis meæ: si possim efficere, ut Milonem absolvatis, sed ita, si P. Clodius revixerit. Quid vultu extimuistis? quonam modo ille vos vivus afficeret, qui mortuus inani cogitatione percussit? Quid? si ipse Cn. Pompeius, qui eâ virtute, ac fortunâ est, ut ea potuerit semper, quæ nemo præter illum: si is, inquam, potuisset, aut quæstionem de morte P. Clodii ferre, aut ipsum ab inferis excitare, utrum putatis facturum fuisse? etiam si propter amicitiam vellet illum ab inferis revocare, propter rempub. non fecisset. Ejus igitur mortis sedetis ultores, cujus vitam si putetis per vos restitui posse, nolitis: et de ejus nece lata quæstio est, qui si eâdem lege reviviscere posset, lata lex nunquam esset. Hujus ergo interfector qui esset, in confitendo ab hisne pœnam timeret, quos liberavisset? Græci homines deorum honores tribuunt iis viris, qui tyrannos necaverunt. Quæ ego vidi Athenis? quæ aliis in urbibus Græciæ? quas res divinas talibus institutas viris? quos cantus? quæ carmina? prope ad immortalitatis et religionem et memoriam consecrantur. Vos tanti conservatorem populi, tanti sceleris ultorem, non modò honoribus nullis afficietis, sed ad supplicium rapi etiam patiemini? Confitere-

me, which is first in *medius-fidius*, is the pronoun for *ita me deus fidius amet*. Lastly, some think that *me* is an adverb, and has the force of *per*, as *mehercule* by Hercules. *See Vossius lib. Etymol.*

24. *Summorum.*] Sylla and Marius were both alive at that time.

30. *Summo viro Consule.*] Pompey.

45. *Quonam modo.*] An argument taken, not only from a comparison, but from contraries.

49. *Quæstionem.*] The trial in which the inquiry was made.

57. *Res divinas.*] He intends the statues, monuments, and columns, which were erected in honour of the gods.

tur, confiteretur, inquam, si fecisset, et magno animo, et libenter, se fecisse libertatis omnium causâ: quod ei certè non confitendum modò fuisset, verùm etiam prædicandum. Etenim si id non negat, ex quo nihil petit, nisi ut ignoscatur; dubitaret id fateri, ex quo etiam præmia laudis esset petenda? nisi verò gratius putat esse vobis sui se capitis, quàm vestri ordinis defensorem fuisse: cum præsertim in eâ confessione, si grati esse velletis, honores assequeretur amplissimos: sin factum vobis non probaretur (quanquam qui poterat salus sua cuique non probari?) sed tamen si minus fortissimi viri virtus civibus grata [a] cecidisset; magno animo constantique cederet ex ingratâ civitate; nam quid esset ingratius, quàm lætari cæteros, lugere eum solum propter quem cæteri lætarentur? Quanquam hoc animo semper omnes fuimus in patriæ proditoribus opprimendis, ut, quoniam nostra futura esset gloria, periculum quoque et invidiam nostram putaremus; nam quæ mihi contribuenda laus esset ipsi, cum tantum in consulatu meo pro vobis ac liberis vestris ausus essem, si id, quod conabar, sine [b] maximis dimicationibus meis me esse ausurum arbitrarer? quæ mulier sceleratum ac perniciosum civem occidere non audeat, si periculum non timeret? Propositâ invidiâ, morte, pœnâ, qui nihilo segniùs rempub. defendit, is vir verè putandus est. Populi grati est, præmiis afficere benè meritos de republicâ cives: viri fortis, ne suppliciis quidem moveri, ut fortiter fecisse pœniteat. Quamobrem uteretur eâdem confessione T. Annius, quâ Ahala, quâ Nasica, quâ Opimius, quâ Marius quâ nosmetipsi; et, si grata respublica esset, lætaretur: si ingrata, tamen in gravi fortunâ, conscientiâ suâ niteretur. Sed hujus beneficii gratiam, Judices, fortuna populi Romani, et vestra felicitas, et dii immortales sibi deberi putant. Nec verò quisquam aliter arbitrari potest, nisi qui nullam [c] vim esse ducit, numenve divinum: quem neque imperii vestri magnitudo, neque sol ille, nec cœli signorumque motus, nec vicissitudines rerum atque ordines movent, neque, id quod maximum est, majorum nostrorum sapientia; qui sacra, qui cæremonias, qui auspicia et ipsi sanctissimè coluerunt, et nobis suis posteris prodiderunt. Est, est profectò illa vis; neque in his corporibus, atque in hâc imbecilitate nostrâ inest quiddam, quod vigeat et sentiat, et non inest in hoc tanto naturæ tam præclaro motu; nisi fortè idcircò esse non putant, quia non apparet, nec cernitur: proinde quasi nostram ipsam mentem, quâ sapimus, quâ providemus, quâ hæc ipsa agimus ac dicimus, videre, aut planè qualis, aut ubi sit, sentire possimus. Ea vis, ea est igitur ipsa, quæ sæpe incredibiles huic urbi felicitates atque opes attulit: quæ illam perniciem extinxit, ac sustulit, cui primùm mentem injecit, ut vi irritare ferro-

a *fuisset.* b *periculo et invidiâ.* c al. *vim cœlestem existimat.*

77. *Ausus essem.*] He refers to Catiline's conspiracy which he had suppressed.

85. *Quâ nosmetipsi.*] He intends Lentulus and Cethegus, and other participators of the conspiracy, whom the consul had, by a decree of the senate, put to death.

86. *Conscientiâ.*] Namely, of his notorious crime.

87. *Fortuna populi Romani.*] Plutarch, in his book on the fortune of the Romans, says, that the commencement and increase of their empire, was made through the force of fortune, and that for that reason, many temples were dedicated to fortune in the city.

101. *Illam perniciem.*] He calls Clodius by this name, because, by his crimes, he was bringing destruction upon the republic.

que lacessere fortissimum virum auderet, vinceretur que ab eo, quem si vicisset, habiturus esset impunitatem et licentiam sempiternam. Non est humano consilio, ne mediocri quidem, Judices, deorum immortalium curâ res illa perfecta; religiones, mehercule, ipsæ, quæ illam belluam cadere viderunt, commovisse se videntur, et jus in illo suum retinuisse: vos enim jam, Albani tumuli atque luci, vos, inquam, imploro, atque obtestor, vosque Albanorum obrutæ aræ, sacrorum populi Romani sociæ et æquales, quas ille præceps amentiâ, cæsis prostratisque sanctissimis lucis, substructionum insanis [a] molibus oppresserat: vestræ tum aræ, vestræ religiones viguerunt, vestra vis valuit, quam ille omni scelere polluerat: tuque ex tuo edito monte, Latiaris, sancte Jupiter, cujus ille lacus, nemora, finesque sæpe omni nefario stupro et scelere macularat, aliquando ad eum puniendum oculos aperuisti: vobis illæ, vobis vestro in conspectu seræ, sed justæ tamen et debitæ pœnæ solutæ sunt.

XVII. Nisi forte hoc etiam casu factum esse dicemus, ut ante ipsum sacrarium Bonæ Deæ, quod est in fundo T. Sextii Galli, in primis honesti et ornati adolescentis, ante ipsam, inquam, Bonam Deam, cùm prælium commisisset, primum illud vulnus acceperit, quo [b] teterrimam mortem obiret: ut non absolutus judicio illo nefario videretur, sed ad hanc insignem pœnam reservatus. Nec verò non eadem ira deorum hanc ejus satellitibus injecit [c] amentiam, ut sine imaginibus, sine cantu, sine ludis, sine exequiis, sine lamentis, sine

a *ædificiis.* b *turpissimam.* c *furorem.*

108. *Albani tumuli.*] These were either little hills and eminences, on which altars were dedicated to certain deities, or they were the tombs and monuments of the ancient Albanians, who were buried there before the foundation of the city.

Ib. *Luci.*] Groves were so called, either by an antiphrasis from their shadiness, or because they shone with the wax lights and fires which were lighted in honour of the gods.

109. *Sacrorum pop. Rom. sociæ.*] Cicero here refers to those rites which were common to all the people of Latium with the Romans. They were at first instituted by Tarquinius Superbus, who, in order to keep the Latin association firm to their engagements with him, erected a new temple in the midst of them to Jupiter *Latialis* on a hill near the ruins of Alba, where the diets of the united cantons were annually to assemble on the twenty-seventh of April, which was called *Feriæ Latinæ*, and jointly offer sacrifices to Jupiter, and feast together in token of union.

114. *Latiaris.*] Or Jupiter Latialis, who was formerly worshipped with human blood, to whom sacred rites were performed by the Latins in a solemn festival, which was also called *Latior*.

Ib. *Ille lacus.*] There were three lakes in Latium, one called Nemorensis, another Juturna, and a third, the most celebrated of all, the Alban lake.

2. *Sacrarium Bonæ Deæ.*] Near the place in which the temple of the goddess Bona stood, Clodius was made to meet Milo, as Asconius says, and was there wounded, as if the goddess herself had exacted the punishment of her violated rites.

7. *Satellitibus.*] By these satellites he intends Sextus Clodius and Munatius Plancus, and other men of the Clodian faction.

Ib. *Sine imaginibus.*] At funerals, the images of those that had been illustrious in the family of the deceased, were carried along.

8. *Sine Cantu.*] Musical instruments and songs were used at Roman funerals; this was also a Jewish custom.

Ib. *Sine ludis.*] Exhibitions of gladiators, which were called *funebres*, were held by the Romans at the funerals of illustrious men, to appease their shades with the blood of those that were slain.

Ib. *Exequiis.*] He intends those companies of men, who attended the funerals.

Ib. *Sine lamentis.*] Lamentations which a woman, who was called *præcha* commenced whilst the body was burning, to which the rest of the crowd answered by similar lamentations.

laudationibus, sine funere, [a] oblitus cruore et luto, spoliatus illius supremi diei celebritate, quàm concedere etiam inimici solent, ambureretur abjectus; non fuisse credo fas clarissimorum virorum [b] formas illi teterrimo parricidæ aliquid decoris, afferre, neque ullo in loco potiùs mortem ejus lacerari, quàm in quo vita esset damnata. Dura mihi, medius fidius, jam fortuna populi Romani et crudelis videbatur, quæ tot annos illum in hanc rempubl. insultare videret et pateretur; polluerat stupro sanctissimas religionas: Senatûs gravissima decreta perfregerat: pecuniâ se palam à judicibus redemerat; vexarat in tribunatu Senatum: omnium ordinum consensu pro salute reipublicæ gesta resciderat: me patriâ expulerat; bono diripuerat: domum incenderat; liberos, conjugem meam vexaverat: Cn. Pompeio nefarium bellum indixerat: magistratuum privatorumque cædes effecerat: domum me fratris incenderat; vastarat Etruriam: multos sedibus ac fortunis ejecerat: instabat, urgebat: capere ejus amentiam civitas, Italia, provinciæ, regna non poterant: incidebantur jam domi leges, quæ nos nostris [c] servis addicerent; nihil erat cujusquam, quod quidem ille adamasset, quod non hoc anno suum fore putaret. Obstabat ejus cogitationibus nemo, præter Milonem. Illum ipsum, qui poterat obstare, Cn. Pompeium, novo reditu in gratiam quasi devinctum arbitrabatur. Cæsaris potentiam suam potentiam esse dicebat: bonorum animos etiam in [d] meo casu contempserat; Milo unus [e] urgebat. Hîc dii immortales, ut supra dixi, mentem dederunt illi perdito ac furioso, ut huic faceret insidias: aliter perire pestis illa non potuit: nunquam illum resp. suo jure esset ulta. Senatus, credo, Prætorem eum [f] circumscripsisset: ne cum solebat quidem id facere, in privato

a *sordidus.* b *imagines.* c *libertinis.*
d *meo exilio.* e *resistebat.* f *coercuisset.*

9. *Laudationibus.* The funeral oration was spoken before the body was burnt.

Ib. *Sine funere.*] By *funus* he intends the funeral pomp, viz. when the body was carried out with lighted torches. Whence *Virg. Funereas rapuere faces.*

13. *Mortem ejus lacerári.*] That is, his dead body half burnt, to be torn by dogs.

Ib. *Vita esset damnata.*] Clodius had been condemned by many decrees of the senate.

16. *Senatûs gravissima decreta.*] The senate thought that the violation of the rights of the goddess should be expiated by his death, and that an inquiry should be held concerning his sacrilege; but he escaped condemnation by corrupting the judges.

17. *Vexarat in tribunatu senatum.*] When a tribune of the people, contrary to the authority of the senate, he had decreed provinces to Gabinius and Piso by way of barter for the destruction of Cicero.

19. *Gesta resciderat.*] Clodius abrogated all the acts of the senate when he contrived to send Cicero into exile, on account of the death of Lentulus and Cethegus, and the other companions of the conspiracy of Catiline, although the senate and Roman people had approved of that action.

20. *Cn. Pompeio bellum indixerat.*] Clodius did not indeed make war upon Pompey, but he wished to assassinate him when he sent a servant into the temple of Castor for that purpose.

21. *Magistratuum.*] It is no where said that he killed a magistrate, but that he had sought Sextus Q. Fabricius and M. Cispius with a sword.

24. *Incidebantur.*] Asconius informs us that Clodius intended making a law, if he had been made prætor, by which libertines should be entitled to vote in the city tribes, which could only be done by the upright. That law would have been hateful to the republic, for it would have given an opportunity to the tribunes to corrupt the votes and excite sedition against the senators and nobles. He used the word *incidebantur,* because formerly all the laws were engraven upon brazen tablets.

28. *Cn. Pompeium.*] Pompey would not oppose Clodius, because he had been reconciled to him.

32. *Ut huic.*] To Milo.

34. *Ne cum solebat quidem.*] If the senate were not able to restrain Clodius

eodem hoc aliquid profecerat. An Consules in Prætor coërcendo fortes fuissent? primùm, Milone occiso, habuisset suos Consules: deinde quis [a] in eo Prætore Consul fortis esset, per quem Tribunum, virum Consularem crudelissimè vexatum esse meminisset? omnia possideret, teneret: lege novâ, quæ est inventa apud eum cum reliquis legibus Clodianis, servos nostros libertos suos fecisset; postremò, nisi eum dii immortales in eam mentem impulissent, ut homo effœminatus fortissimum virum conaretur occidere, hodie rempubl. nullam haberetis. An ille Prætor, ille vero Consul, si modò hæc templa, atque ipsa mœnia stare, eo vivo, tamdiu, et Consulatum ejus expectare potuissent, ille denique vivus mali nihil fecisset, qui mortuus, uno ex suis satellitibus Sex. Clodio duce, curiam incenderit? quo quid miserius, quid acerbius, quid luctuosius vidimus? templum sanctitatis, amplitudinis, mentis, consilii publici, caput urbis, aram sociorum, portum omnium gentium, sedem ab universo populo Romano concessam uni ordini, inflammari, exscindi, funestari? neque id fieri à multitudine imperitâ (quanquam esset miserum id ipsum) sed ab uno, qui cum tantum ausus sit ultor pro mortuo, quid signifer pro vivo non esset ausus? In curiam potissimum [b] abjecit, ut eam mortuus incenderet, quam vivus everterat. Et sunt, qui de viâ Appiâ querantur, taceant de curiâ? Et qui ab eo [c] spirante forum putent potuisse defendi, cujus non restiterit cadaveri curia? Excitate, excitate ipsum, si potestis, ab inferis; frangetis impetum vivi, cujus vix sustinetis furias insepulti? nisi verò sustinuistis eos qui cum facibus ad curiam cucurrerunt, cum falcibus ad Castoris, cum gladiis toto foro [d] volitarunt. Cædi vidistis populum Romanum, concionem gladiis disturbari, cum audiretur silentio M. Cœlius tribunus-plebis, vir et in repub. fortissimus, et in susceptâ causâ firmissimus, et bono-

a *eo Pretore.* b *intulit.* c *vivo.* d *discurrerunt.*

when a private man, what could they do with him if he were made prætor.

36. *Habuisset suos consules.*] Clodius wished that Hypseus and Scipio should be made consuls.

39. *Lege novâ.*] Many laws which Clodius would have passed, had he been made prætor, were found after his death. Among others was this, that the country tribes should have a right to vote at the election for consuls, and the libertines in the city tribes.

43. *Hæc templa.*] He alludes to the senate house and forum, where the oration was spoken. The senate house was also called Hostilia, from king Hostilius, by whom it was founded.

49. *Portum.*] Foreign kings and people fled to the Roman senate as a refuge.

50. *Funestari.*] He says this because the dead body of Clodius was burnt in it, and thus polluted the senate house and forum.

54. *De viâ Appiâ querantur.*] Clodius was slain on the Appian way.

59. *Falcibus.*] He intends military hooks.

61. *Cum audiretur M. Cœlius.*] Milo returned to Rome the night on which the senate house was set on fire, and Cœlius, one of the tribunes of the people, having inveighed severely against Clodius, and enumerated the various instances of his guilt and villany; the rest of the tribunes rushed into the forum, with a body of armed men, and would have killed both Cœlius and Milo if they had not dressed themselves like slaves, and by that means made their escape. They killed many of the citizens, those especially, who, by their dress, seemed to be persons of distinction; and, under a pretence of searching for Milo, forced their way into many houses, and plundered them. This account is given by Asconius, who, instead of Cœlius, reads Cæcilius.

62. *In susceptâ causâ firmissimus.*] Pompey, to calm the public disorders occasioned by Clodius' death, published several new laws, by one of which the method of trials was altered, and the length of time limited; three days were allowed for the exa-

rum voluntati et auctoritati Senatûs deditus, et in hâc Milonis sive invidâ, sive fortunâ singulari, divinâ et incredibili fide.

PERORATIO.

Tota hæc Peroratio ad misericordiam comparata est.

XVIII. Sed jam satis multa de causâ; extra causam etiam nimis fortasse multa. Quid restat, nisi ut orem obtesterque vos, Judices, ut eam misericordiam tribuatis fortissimo viro, quam ipse non implorat; ego autem, repugnante hoc, et imploro, et exposco? Nolite, si in nostro omnium fletu nullam lacrymam adspexistis Milonis, si vultum semper eundem, si vocem, si orationem stabilem ac non mutatam videntis, hoc ei minus parcere: atque haud scio an multo etiam sit adjuvandus magis. Etenim si in gladiatoriis pugnis, et in infimi generis hominum conditione atque fortunâ, timidos et supplices, et, ut vivere liceat, obsecrantes, etiam odisse solemus: fortes et animosos, et se acriter ipsos morti offerentes servare cupimus: eorumque nos magis miseret, qui nostram misericordiam non requirunt, quàm qui illam efflagitant: quanto hoc magis in fortissimis civibus facere debemus? Me quidem, Judices, exanimant et interimunt hæ voces Milonis, quas audio assiduè, et quibus intersum quotidie. Valeant, inquit, valeant cives mei, sint incolumes, sint florentes, sint beati: stet hæc urbs præclara, mihique patria charissima [a] quoquo modo merita de me erit; tranquillâ repub. cives mei, quoniam mihi cum illis non licet, sine me ipsi, sed per me tamen, perfruantur; ego cedam, atque abibo; si mihi republicâ bonâ frui non licuerit, at carebo malâ: et, quam primum [a] tetigero bene moratam et liberam civitatem, in eâ conquiescam. O frustra, inquit, suscepti mei labores! ô spes fallaces! ô cogitationes inanes meæ! ego, cùm tribunus-pleb. repub. oppressâ, me Senatui dedissem, quem extinctum acceperam; equitibus Romanis, quorum vires erant debiles; bonis viris, qui omnem auctoritatem Clodianis armis abjecerant: mihi unquam bonorum præsidium defuturum putarem? Ego, cùm te (mecum enim sæpissimè loquitur) patriæ reddidissem, mihi non futurum in patriâ putarem locum? Ubi nunc Senatus est, quem secuti sumus? ubi equites Romani illi, illi, inquit, tui? ubi studia municipiorum? ubi Italiæ voces? ubi denique tua, M. Tulli, quæ plurimis fuit auxilio, vox et defensio? mihi-ne ea soli, qui pro te toties morti me obtuli, nihil potest opitulari? Nec verò

a *sive me damnet, sive liberet.* b *pervenero.*

mination of witnesses, and the fourth for the sentence, on which the accuser was to have two hours only to enforce the charge, and the criminal three for his defence. Cœlius or Cæcilius vigorously opposed this law, as having no foundation in justice or equity, and being provided particularly againt Milo. He was, however, obliged to withdraw his negative, upon Pompey's declaring that he would support it with the force of arms.

3. *Quam ipse non implorat.*] He says, that to appease the judges who might be angry, Milo had neither come to his trial in a mean dress, nor as a suppliant, had fallen at their feet to beg for mercy.

23. *Ego cùm Tribunus-plebis.*] Cicero refers back to the time when he was recalled from exile, to which recall Sextus contributed no small part; he was a tribune of the people, and in this he agreed with the senators, to whom the tribunes of the people had always been inimical.

25. *Vires erant debiles.*] They were weak, because continually harassed by Clodius.

30. *Tui.*] Cicero was one of the equestrian order, from which he passed to that of the senators.

hæc, Judices, ut ego nunc, flens; sed hoc eodem loquitur vultu, quo videtis; negat enim se, negat ingratis civibus fecisse, quæ fecerit; timidis, et omnia [a] circumspicientibus pericula, non negat: plebem et infimam multitudinem, quæ P. Clodio duce, fortunis vestris imminebat, eam, quò tutior esset vita vestra, suam se fecisse commemorat; ut non modò virtute flecteret, sed etiam tribus suis patrimoniis deliniret: nec timet, ne, cum plebem muneribus placarit, vos non conciliarit meritis in rempublicam singularibus. Senatûs erga se benevolentiam temporibus his ipsis sæpe esse perspectam: vestras verò, et vestrorum ordinum occursationes, studia, sermones, quemcunque cursum fortuna dederit, secum se ablaturum esse dicit. Meminit etiam sibi vocem Præconis [b] modò defuisse, quam minimè desiderarit; populi verò cunctis suffragiis, quod unum cupierit, se Consulem declaratum; nunc denique, si hæc arma contra se sint futura, sibi facinoris suspicionem, non facti crimen obstare: Addit hæc, quæ certe vera sunt, FORTES ET SAPIENTES VIROS non tam præmia sequi solere rectè factorum, quàm ipsa rectè facta: se nihil in vitâ, nisi præclarissimè, fecisse: siquidem nihil sit præstabilius viro, quàm periculis patriam liberare: beatos esse, quibus ea res honori fuerit à suis civibus: nec tamen eos miseros, qui beneficio cives suos vicerint: sed tamen ex omnibus præmiis virtutis, si esset habenda ratio præmiorum, amplissimum esse præmium gloriam: esse hanc unam, quæ brevitatem vitæ posteritatis memoriâ consolaretur; quæ efficeret, ut absentes adessemus, mortui viveremus: hanc denique esse, cujus gradibus etiam homines in cœlum videantur ascendere. [c] De me, inquit, semper populus Romanus, semper omnes gentes loquentur, nulla unquam obmutescet vetustas: quin hoc tempore ipso, cùm omnes à meis inimicis faces invidiæ meæ subjiciantur, tamen omni in hominum cœtu, gratiis agendis, et gratulationibus habendis, omni sermone celebramur. Omitto Etruriæ festos et actos, et institutos dies: centesima [d] lux est hæc ab interitu P. Clodii, et opinor, altera: quà fines imperii populi Romani sunt, ea non solum fama jam de illo, sed etiam lætitia peragravit. Quamobrem ubi corpus hoc sit, non, inquit, laboro, quoniam omnibus in terris et jam versatur, et semper habitabit nominis mei gloria. Hæc tu mecum sæpe, his absentibus: sed iisdem audientibus, hæc ego tecum, Milo. Te quidem, quòd isto animo es, satis laudare non possum, sed quo est illa magis divina virtus, eo majore à te dolore divellor. Nec vero, si mihi eriperis, reliqua est illa tamen ad consolandum querela, ut his irasci possim, à quibus tantum vulnus

a *providentibus*. b *tantum*. c In *me*. d *dies*.

35. *Negat.*] He here excuses the citizens, who, he says, were not ungrateful, but timid.

38. *Tribus patrimoniis.*] Milo had three estates, one left him by his father, another by his mother, and the third by Caius Annius his grandfather by the mother's side, by whom he was adopted. All the three he spent upon largesses and public sports, for which he was charged with bribery; but Cicero says, these largesses were bestowed upon the people by Milo, with no other design but that the rich might be preserved from being robbed.

42. *Sermones.*] Namely those which were whispered about concerning Milo, who was absent.

44. *Vocem præconis.*] Although the greatest part of the votes were given to one, and it was always known in the *comitia* who was the consul elect, yet he was proclaimed by a common crier, by whom his praises were pronounced.

62. *Etruriæ festos.*] This country was

accepero; non enim inimici mei te mihi eripient, sed amicissimi: non malè aliquando de me meriti, sed semper optimè. Nullum unquam, Judices, mihi tantum dolorem [a] inuretis (etsi, quis potest esse tantus?) sed ne hunc quidem ipsum, ut obliviscar, quanti me semper feceritis: quæ si vos cepit oblivio, aut si in me aliquid offendistis, cur non id [b] meo capite potiùs luitur, quàm Milonis? Præclare enim vixero, si quid mihi acciderit priùs quàm hoc tantum mali videro. Nunc me una consolatio sustentat, quòd tibi, ô T. Anni, nullum à me amoris, nullum studii, nullum pietatis officium defuit. Ego inimicitias potentium pro te appetivi: ego meum sæpe corpus et vitam objeci armis inmicorum tuorum: ego me plurimis pro te supplicem abjeci: bona, fortunas meas ac liberorum meorum in communionem tuorum temporum contuli: hoc denique ipso die, si qua vis est parata, si qua dimicatio capitis futura, deposeo. Quid jam restat? quid habeo quod dicam, quod faciam pro tuis in me meritis, nisi ut eam fortunam, quæcunque erit tua, ducam meam? Non recuso non abnuo: vosque obsecro, Judices, ut vestra beneficia, quæ in me contulistis, aut in hujus salute augeatis, aut in ejusdem exitio occasura esse videatis. His lacrymis non movetur Milo; est quodam incredibili robore animi: exilium ibi esse putat, ubi virtuti non sit locus: mortem naturæ finem esse, non pœnam. Sit hic eâ mente, quâ natus est; quid? vos Judices, quo tandem animo eritis? memoriam Milonis retinebitis, ipsum ejicietis? et erit dignior locus in terris ullus, qui hanc virtutem excipiat, quàm hic qui procreavit? Vos, vos appello, fortissimi viri, qui multum pro republicâ sanguinem effudistis! vos in viri et in civis invicti appello periculo, centuriones, vosque milites: vobis non modò inspectantibus, sed etiam armatis, et huic judicio præsidentibus, hæc tanta virtus ex hâc urbe expelletur? exterminabitur? projicietur? ô me miserum! ô me infelicem! revocare tu me in patriam, Milo, potuisti per hos? ego te in patriâ per eosdem retinere non potero? Quid respondebo liberis meis, qui te parentem alterum putant? quid tibi, Q. frater, qui nunc abes, [c] consorti mecum temporum illorum? me non potuisse Milonis salutem tueri per eosdem, per quos nostram ille servasset? at in quâ causâ non potuisse? quæ est grata gentibus; à quibus non potuisse? ab iis qui maximè P. Clodii morte acquierunt; quo deprecante? me. Quodnam ego concepi tantum scelus? aut quod in me tantum facinus admisi, Judices, cùm illa indicia communis exitii indagavi, patefeci, protuli, extinxi? omnes in me meosque redundant ex fonte illo dolores.

a *inferetis.* b *meâ morte.* c *socio meæ calaimtatis.*

openly inimical to Clodius, and when his death was heard of, they instituted festival days in honour of Milo.

72. *Non enim inimici mei.*] He says that those who were most friendly to him were the authors of this great evil, to be angry with or complain of whom the laws of friendship forbade.

80. *Inimicitias potentium.*] So warm and steady was our orator's friendship to Milo, and so great his attachment to him, that neither the number of the Clodian faction, nor the great power of Pompey could deter him from undertaking his defence.

82. *Armis.*] Cicero was always with Milo in his suit for the consulship, although Milo was often sought after by Clodius with arms.

84. *Temporum.*] He intimates that Milo wished to make all his fortunes in common with him.

109. *Illa indicia.*] The conspiracy of Catiline.

110. *Ex fonte illo dolores.*] Cicero here

Quid me reducem esse voluistis? an ut, inspectante me, expellerentur ii, per quos essem restitutus? Nolite, obsecro vos, pati mihi acerbiorum reditum esse, quàm fuerit ille ipse discessus. Nam qui possum putare me restitutum esse, si [a] distrahor ab iis, per quos restitutus sum? Utinam dii immortales fecissent (pace tuâ, patria, dixerim: metuo enim ne sceleratè dicam in te, quod pro Milonem dicam piè) ut P. Clodius non modò viveret, sed etiam Prætor, Consul, Dictator esset potiùs, quàm hoc spectaculum viderem. O dii immortales! fortem, et à vobis Judices, conservandum virum! Minime, minime, inquit; immò verò pœnas ille debitas luerit; nos subeamus, si ita necesse est, non debitas. Hiccine vir patriæ natus, usquam nisi in patriâ morietur? aut, si forte, pro patriâ, hujus vos [b] animi monumenta retinebitis, corporis in Italiâ nullum sepulcrum esse patiemini? hunc suâ quisquam sententiâ ex hâc urbe expellet, quem omnes urbes expulsum à vobis ad se vocabunt? O terram illam beatam, quæ hunc virum exceperit! hanc ingratam, si ejecerit! miseram, si amiserit! Sed finis sit; neque enim præ lacrymis jam loqui possum: et hic se lacrymis defendi vetat: vos oro obtestorque, Judices, ut in sententiis ferendis, quod sentietis id audeatis. Vestram virtutem, justitiam, fidem (mihi credite) is maximè probabit, qui in judicibus legendis optimum et sapientissimum et fortissimum quemque legit.

a *separor.*

b *memoriam generocitatis.*

refers to the conspiracy of Catiline, the putting of whose accomplices to death, he says, was the grand source of all his calamities.

119. *Minime, inquit.*] He now introduces Milo as speaking.

130. *Is probabit.*] He intends Pompey, who, as he had chosen the wisest judges from all orders, would no doubt approve of their decisions. But he says this to remove all suspicions of the hatred which Pompey bore to Milo.

PRO

M. MARCELLO.

Marcus Marcellus was descended from one of the most distinguished and influential families in Rome. Oratory was his favourite study, and such was his proficiency in it, that he appears to have been surpassed only by Cicero himself. During the civil commotions by which the republic was then distracted, he espoused the cause of Pompey, because he believed him to be a friend to liberty and his country; nor was there any of his followers, whose exertions were more active in opposition to the views of Cæsar, or from whom Cæsar had more to fear. After the battle of Pharsalia, at which he was present, he retired to Mityline, at that time the resort of men of letters. Here he intended to spend his life, in study and retirement, with the determination to ask no favours from the conqueror. The senate, however, encouraged by the mildness of Cæsar towards the friends of Pompey, petitioned for his pardon, which was immediately granted, though Cæsar still suspected that Marcellus was his enemy. Cicero, moved by the generosity of this act of kindness, expressed his thanks in the following oration, which, though delivered on the impulse of the moment, is superior in elegance of diction, vivacity of sentiment, and politeness of compliment to every thing of the kind, that is now extant of Roman or Grecian eloquence. It was delivered, A. U. C. 787, *anno Ciceronis*, 61.

EXORDIUM.

I. DIUTURNI silentii, P. C. quo eram his temporibus usus, non timore aliquo, sed partim dolore, partim verecundiâ, finem

NOTES.

I. *Diuturni silentii.*] In consequence of the civil broils, between the factions of Pompey and Cæsar, which at that time were carried to a great extent, Cicero, for a long period, had kept himself out of public view. Many of the senators had retired, for safety, from Rome. A majority of them, amongst whom were Cicero, were warmly attached to Pompey. Cicero, after the defeat of his favourite leader, though he received every possible mark of attention from Cæsar, kept himself retired, and had not till the present occasion, spoke in the senate.

Ib. *Patres conscripti.*] Amongst the regulations of Romulus in his new city, were the appointment of the orders of senators and knights. Those who were not chosen to either of those ranks, were called Plebians. Those who were called to the consultations concerning the affairs of the republic were denominated senators, because they were men of years and experience, and perhaps, too, because many of them were elder sons. They were also called Fathers, because they were supposed to exercise a paternal care over the public affairs. Those, therefore, who were elected to this office, were in subsequent years, called, *Patres Conscripti*, and ultimately, all who were advanced to this office, whether by hereditary claims or by election, were designated by the same appellation.

Ib. *Non timore aliquo.*] This was said with the view of procuring the favour of Cæsar, and to compliment him for what he had done. Cicero, indeed, had nothing to fear from him, by whom he had been so kindly treated. In proof of this, it is asserted by Plutarch, that Cæsar, on his return from Asia, showed him the highest respect in alighting to meet him, and in walking with him alone for several furlongs.

2. *Partim dolore.*] Cicero first mentions as a cause of his silence the grief which he suffered from the absence and misfortune of Marcellus, who, though he had been in the same cause with himself, did not experience the same good fortune.

Ib. *Partim verecundiâ.*] Cicero, it would seem, was afraid of reproach if, in the absence of his friend, less fortunate than himself, he should venture to express his opinions in the senate.

hodiernus dies attulit; idemque initium, [a] quæ vellem, quæque sentirem, meo pristino more dicendi. Tantam enim mansuetudinem, tam inusitatam inauditamque clementiam, tantum in summâ potestate rerum omnium [b] modum, tam denique incredibilem sapientiam ac penè divinam tacitus nullo modo præterire possum. M. enim Marcello vobis, P. C. reique publ. reddito, non solùm illius, sed meam etiam vocem et auctoritatem, et vobis et reipublicæ conservatam ac restitutam puto. Dolebam enim, P. C. ac vehementer angebar, cùm viderem, virum talem, qui in eâdem causâ esset, in quâ ego fuissem, non in eâdem esse fortunâ: nec mihi persuadere poteram, nec fas esse ducebam, versari me in vestro veteri curriculo, illo æmulo atque imitatore studiorum, ac laborum meorum, quasi quodam socio à me et comite distracto. Ergo et mihi, et meæ pristinæ vitæ consuetudinem, C. Cæsar, interclusam aperuisti, et his omnibus ad bene de omni republicâ sperandum, quasi signum aliquod sustulisti. Intellectum est enim mihi quidem in multis, et maximè in me ipso, sed paulò ante omnibus, cùm M. Marcellum Senatui populoque Romano et reipublicæ concessisti, commemoratis præsertim offensionibus, te auctoritatem hujus ordinis, dignitatemque reipublicæ tuis vel [c] doloribus, vel suspicionibus anteferre. Ille quidem fructum omnis anteactæ vitæ hodierno die maximum cepit, cùm summo consensu Senatûs, tum præterea judicio tuo gravissimo et maximo; ex quo profectò intelligis, quanta in dato beneficio sit laus, cùm in accepto tanta sit gloria. Est

a *loquendi meo pristino more* ea *quæ vellem, et quæ sentirem.*
b *moderationem.* c *iræ tuæ.*

11. *In eâdem causâ.*] Marcellus, as well as Cicero, was an advocate of Pompey's cause.

13. *Veteri curriculo.*] The senate is doubtless meant, in which he, together with Marcellus, had often engaged in public debates.

Ib. *Illo æmulo.*] Such was the power of Marcellus as an orator, that Cicero here represents him as a rival of no inferior stamp.

15. *Comite distracto.*] While Cicero was at Rome, Marcellus was an exile at Mytilene.

17. *Signum aliquod sustulisti.*] Allusion is here made to a well known military fact, relative to the use of the ensign or standard, which was then, as well as in modern times, always carried as long as the least hope of success remained. Cæsar, by the restoration of Cicero and Marcellus, gave intimation that he was unwilling to overthrow the republic.

20. *Offensionibus.*] Though Cæsar's commission had nearly expired at the termination of the Gallic war, he felt no disposition to give up his command, pretending that he could not possibly be safe without his army, whilst Pompey held the province of Spain under a commission, extended to five years. When this matter came before the senate, Marcellus took a decided stand, in opposition to Cæsar, and exerted all his influence to have him immediately removed, his army disbanded, and a successor appointed to the province of Gaul; and though the senate, to gratify Cæsar, consented to let him have the consulship without his suing for it in person, Marcellus not only strove to prevent it, but was unwilling that the freedom of the city should be granted to his colonies beyond the Po. This referred particularly to a colony settled by Cæsar at Comum, near the Alps, to which this privilege was granted by the Vatinian law. It had been before obtained from Pompey's father, that in all the colonies beyond the Po, those who had exercised the office of magistracy for one year, should enjoy the privilege of citizenship, Marcellus, through enmity to Cæsar, would allow no such right to the inhabitants of Comum, but having caught a magistrate of that colony, ordered him to be publicly whipped for attempting to exercise that privilege; then bade him go and show Cæsar these marks of his citizenship.

22. *Suspicionibus.*] Cæsar suspected Marcellus of intending to destroy his life.

23. *Summo consensu senatûs.*] The whole senate requested Cæsar to recall Marcellus, and to restore him to his former dignity.

vere fortunatus ille, cujus ex salute non minor penè ad omnes, quàm ad illum ventura sit, lætitia pervenerit. Quod ei quidem merito atque optimo jure contigit; quis enim est illo aut nobilitate, aut probitate, aut optimarum artium studio, aut innocentiâ, aut ullo genere laudis præstantior? Nullius tantum est [a] flumen ingenii; nulla dicendi aut scribendi tanta vis, tanta copia, quæ non dicam exornare, sed enarrare, C. Cæsar, res tuas gestas possit; tamen hoc affirmo, et hoc [b] pace dicam tuâ, nullam in his esse laudem ampliorem quàm eam, quam hodierno die consecutus es.

CONFIRMATIO.

Duas partes habet Confirmatio. In primâ parte laudat Cæsaris clementiam; in secundæ diluit suspiciones insidiarum.

PRIMA PARS CONFIRMATIONIS.

In quæ laudat Cæsaris clementiam.

II. Soleo sæpe ante oculos ponere idque libenter [c] crebris usurpare sermonibus, omnes nostrorum imperatorum, omnes exterarum gentium, potentissimorumque populorum, omnes clarissimorum regum res gestas cum tuis nec contentionum magnitudine, nec numero [d] præliorum, nec varietate regionum, nec celeritate conficiendi, nec dissimilitudine bellorum posse conferri; nec verò disjunctissimas terras citiùs cujusquam passibus potuisse peragrari, quàm tuis, non dicam cursibus, sed victoriis [e] lustratæ sunt. Quæ quidem ego nisi tam magna esse fatear, ut ea vix cujusquam mens aut cogitatio capere possit, amens sim: sed tamen sunt alia majora. Nam bellicas laudes solent quidam extenuare verbis, easque detrahere ducibus, communicare cum militibus, ne propriæ sint imperatorum; et certè in

a *ubertas*. b *dicam cum tuâ* veniâ. c *sæpe dicere*. d *expeditionum*. e *pervagatæ*.

27. *Ad illum ventura.*] Referring to the joy of Marcellus on hearing that he was recalled from exile.

28. *Nobilitate.*] Though Marcellus was born of a Plebian family, it was one from which there had been several consuls before him.

2. *Nostrorum imperatorum.*] Prior to the time of Cæsar, the Romans had a number of men eminent for their military achievements.

Ib. *Exterarum gentium.*] Many of the neighbouring nations, but particularly the Greeks, were far from being destitute of military courage.

3. *Potentissimorum populorum.*] The Scythians, Athenians, and Lacedemonians, are well known for the extent of their power.

Ib. *Clarissimorum regum.*] Such as Pyrrus, Syphex, Jugurtha, Messinissa, Alexander, and Mithridates.

4. *Numero præliorum.*] It is said that Cæsar was engaged in fifty battles, and that his conquests in Gaul cost the lives of near two millions of men.

5. *Nec varietate regionum.*] Cæsar waged war in Spain, Britian, Gaul, Egypt, Germany, Asia, Africa, and Greece. He vanquished Pompey at the battle of Pharsalia, Ptolemy in Egypt, Pharnaces, the son of Mithridates in Pontus, Scipio and Juba in Africa, and the sons of Pompey in Spain.

Ib. *Nec celeritate conficiendi*] Any one who has read the commentaries of Cæsar, must have remarked the expedition with which many of his victories were gained. The one, however, obtained over Pharnaces is the most remarkable; the account which he gave of it was expressed in three words, *veni, vidi, vici.*

10. *Sunt alia majora.*] Alluding to the clemency of Cæsar, for which, with all his faults, he is entitled to credit. The success of his victories may perhaps have depended in part on the abilities of his generals, and the bravery of his troops; but his clemency appears to have been the result of his own natural disposition.

12. *Imperatorum.*] He was usually called imperator, who commanded the

armis, militum virtus, locorum opportunitas, auxilia sociorum, classes, commeatus multùm juvant; maximam verò partem quasi suo jure fortuna sibi vindicat, et quidquid est prosperè gestum, id penè omne ducit suum. At verò hujus gloriæ, C. Cæsar, quam es paulò antè adeptus, socium habes neminem; totum hoc quantumcunque est, quod certè maximum est, totum est, inquam, tuum; nihil sibi ex istâ laude Centurio, nihil Præfectus, nihil cohors, nihil turma [a] decerpit: quin etiam illa ipsa rerum humanarum domina Fortuna in istius se societatem gloriæ non offert: tibi cedit; tuam esse totam, et propriam fatetur; nunquam enim temeritas cum sapientiâ commiscetur, nec ad consilium casus admittitur. Domuisti gentes immanitate barbaras, multitudine innumerabiles, locis infinitas, omni copiarum genere abundantes; sed ea tamen vicisti, quæ et naturam, et conditionem ut vinci possent, habebant; nulla est enim tanta vis, [tanta copia] quæ non ferro ac viribus debilitari frangique possit: verùm animum vin-

[a] *assumit.*

army in person, and whose military exertions had been for a while, at least, successful. Suetonius informs us, that Julius Cæsar received the name of 'Imperator,' as a *prænomen* or first name, as well as that, of '*Pater Patriæ,*' as a surname from the senate.

14. *Commeatus.*] Things necessary for the equipment and support of an army.

15. *Fortuna.*] Fortune in war depends so much on accidental circumstances, that, in most cases, it is impossible to determine before hand the event of an engagement, or campaign.

16. *At verò hujus gloriæ.*] He alludes again to the clemency of Cæsar, particularly in the restoration of Marcellus.

19. *Nihil præfectus.*] This word is used in a variety of acceptations; sometimes it denotes the officer on whom the authority devolved in the absence of the commander in chief. There were præfects, whose business it was to attend to the position of the camp and its fortifications; these were called '*præfecti castrorum.*' There were others again, who were called '*præfecti annonæ*', and whose business it was to superintend the provision and equipments of the army.

Ib. *Cohors.*] There were ten cohorts in a legion; to the first, which was called *cohors milliaria,* and which surpassed the others both in number and in rank, the eagle was entrusted. Its station, when the army was drawn up in the order of battle, was the right of the front rank; it consisted of eleven hundred and five foot, and one hundred and thirty horse of heavy armour. The second consisted of five hundred and fifty-five foot, sixty-six horse, and was called *cohors quinquagenaria.* The third was of the same size, and was formed of men selected on account of their strength and courage, its station was the centre. The fourth consisted of six hundred foot, and sixty-six horse. The fifth was of the same size, but selected as the third in consequence of its station being the left wing. These five cohorts stood all in the front rank. The sixth cohort had five hunded and five foot, and sixty-six horse, its station was the right of the second rank; the seventh consisting of five hundred and fifty-five foot, and fifty-six horse occupied the centre; and the tenth, the left wing. The eighth, ninth, and tenth cohorts, were of the same size with the seventh.

Ib. *Turma.*] The *turma* was a troop of horse, consisting of thirty; these were formed into three divisions, called *decuriæ,* containing ten men each, as the name indicates.

23. *Domuisti.*] Cicero, shows here how much more commendable it is to conquer ones-self, than an enemy.

Ib. *Barbaras.*] The Romans gave the name barbarian to all the neighbouring nations, except the Greeks.

27. *Animum vincere.*] Though nations may be conquered by superiority of power, yet power is insufficient to conquer the mind. From this fact Cicero takes great pains to commend the clemency of Cæsar. Some have thought, that in these commendations Cicero did not entirely speak the sentiments of his heart. That hitherto he had been opposed to Cæsar, is well known. To palliate this charge, however, if not entirely to remove it, we must recollect that he was now speaking in the name, and at the request of the senate, and that the nature of the subject naturally required the embellishments of oratory. But Cicero's own views in relation to Cæsar, were no doubt changed, in

cere, iracundiam cohibere, victoriam temperare, adversarium nobilitate, ingenio, virtute præstantem, non modò extollere jacentem, sed etiam amplificare ejus pristinam dignitatem; hæc qui faciat, non ego eum cum summis viris comparo, sed simillimum Deo judico. Itaque, C. Cæsar, bellicæ tuæ laudes celebrabuntur illæ quidem non solùm nostris, sed penè omnium gentium literis atque linguis: neque [a] ullà unquam ætas de tuis laudibus conticescet. Sed tamen ejusmodi res, nescio quomodo etiam dum audiuntur, aut dum leguntur, obstrepi clamore militum videntur, et tubarum sono. At verò cùm aliquid clementer, mansuetè, justè, moderatè, sapienter factum, in iracundiâ præsertim, quæ est inimica consilio, et in victoriâ, quæ naturâ insolens et superba est, aut audimus, aut legimus: quo studio incendimur, non modò in [b] gestis rebus, sed etiam in fictis, ut eos sæpe, quos nunquam vidimus, diligamus? Te verò, quem præsentem intuemur, cujus mentem sensusque et [c] os cernimus, ut, quidquid belli fortuna reliquum reipub. fecerit, id esse salvum velis, quibus laudibus efferemus? quibus studiis prosequemur? quâ benevoletiâ complectemur? parietes medius-fidius, C. Cæsâr, ut mihi videtur, hujus curiæ tibi gratias agere gestiunt, quòd brevi tempore futura sit illa auctoritas in his majorum suorum, et suis sedibus. Equidem cùm C. Marcelli, viri optimi, et [d] commemorabili pietate [ac virtute] præditi lacrymas modò vobiscum viderem, omnium Marcellorum meum pectus memoria [e] effodit; quibus tu etiam mortuis, M. Marcello conservato, dignitatem suam reddidisti, nobilissimamque familiam, jam ad paucos redactam, penè ab interitu [f] vindicasti.

III. Hunc tu igitur diem tuis maximis et innumerabilibus gratulationibus jure anteponis; hæc enim res unius est propria C. Cæsaris: cæteræ, duce te, gestæ, magnæ illæ quidem, sed tamen multo magnoque comitatu; hujus autem rei tu idem et dux es et comes: quæ quidem tanta est, ut tropæis monumentisque tuis [nulla unquam] allatura sit finem ætas; nihil enim est opere, aut manu factum, quod

a *ullum tempus.* b *rebus veris.* c *vultum.* d *commemorandâ.* e *vulneravit.* f *liberasti.*

consequence of his generous conduct toward the friends of Pompey, of this his own case was very remarkable. It appears, too, from a letter to one of Cæsar's friends, that at this time Cicero entertained strong expectations that Cæsar intended to restore the republic.

28. *Adversarium.*] Marcellus.

35. *Obstrepi clamore.*] That is, to be drowned by the shouts and acclamations of the soldiers. It was very common among the ancients to express their approbation, or disapprobation of public measures by shouts or clamours, according to the state of their feelings on the occasion.

44. *Parietes.*] The walls, by a figurative manner of speaking, are represented as expressing their sentiments of gratitude to Cæsar.

45. *Medius fidius.*] See the note on the oration for Milo *section* 16, *line* 9.

46. *Illa auctoritas.*] Cicero seems to flatter himself that the authority of the senate, which, during the civil wars, was merely nominal, was now also about to be restored.

47. *C. Marcelli.*] Alluding to C. Marcellus, who came to Cæsar to intreat for his brother M. Marcellus.

1. *Hunc tu igitur diem.*] In the exercise of his clemency Cæsar deserves all the credit; but in his victories, his generals were entitled to a part.

Ib. *Tuis gratulationibus.*] In consequence of his success in Gaul, Cæsar had a public thanksgiving of twenty-five days decreed to him, which, as he informs us himself, was an honour that had never before been granted to any one; and, at the termination of the civil wars, Dio tells us, that another of forty days was decreed to him.

5. *Tropæis.*] See the note on the oration against Piso, *section* 15, *line* 33.

aliquando non conficiat et consumat vetustas: at verò hæc tua justitia, et lenitas animi florescet quotidie magis, ita ut, quantum operibus tuis diuturnitas detrahet, tantum afferat laudibus. Et cæteros quidem omnes victores bellorum civilium jam ante æquitate et misericordiâ viceras, hodierno verò die te ipsum vicisti. Vereor, ut hoc, quod dicam, perinde intelligi auditu possit, atque ego ipse cogitans sentio. Ipsam victoriam vicisse videris, cum ea ipsa, quæ illa erat adepta, victis remisisti; nam cùm ipsius victoriæ conditione jure omnes victi occidissemus, clementiæ tuæ judicio conservati sumus; rectè igitur unus invictus es, à quo etiam ipsius victoriæ conditio visque devicta est. Atque hoc C. Cæsaris judicium, P. C. quàm latè pateat, attendite; omnes enim, qui ad illa arma fato sumus nescio quo reipublicæ misero funestoque compulsi, etsi aliquâ culpâ tenemur erroris humani, à scelere certè liberatisumus; nam cùm M. Marcellum, deprecantibus vobis, reipublicæ conservavit, memet mihi et item reipublicæ, nullo deprecante, reliquos amplissimos viros, et sibi ipsos, et patriæ reddidit; quorum et frequentiam et dignitatem hoc ipso in [a] consessu videtis; non ille hostes induxit in curiam, sed judicavit, à plerisque ignoratione potius, et falso atque inani metu, quàm cupiditate aut crudelitate bellum esse susceptum; quo quidem in bello semper de pace agendum, audiendumque esse putavi; semperque dolui, non modò pacem, sed orationem etiam civium pacem flagitantium repudiari. Neque enim ego illa, nec ulla, unquam secutus sum arma civilia; semperque mea consilia pacis et togæ socia, non belli atque armorum fuerunt: hominem sum secutus privato officio, non publico: tantum-

a *Senatu.*

7. *Hæc tua justitia et lenitas.*] Both the justice and lenity of Cæsar were exhibited on the present occasion.

8. *Operibus tuis.*] Alluding to the monuments and trophies erected by Cæsar.

10. *Omnes victores bellorum civilium.*] The conquerors in the civil wars were Sylla, Marius, Octavius, and Cinna, who, on frequent occasions, not satisfied with the blood that was shed in the engagements afterwards put to death those whom the fortune of the day put in their power.

11. *Te ipsum vicisti.*] Cæsar conquered himself, when by laying aside his aversion to Marcellus, he spared his life.

13. *Ipsam victoriam vicisse videris.*] This is said either in consequence of Cæsar's granting pardon to those whom victory put it in his power to punish; or because, though he was conqueror, he overcame his hostility to his enemies.

17. *Atque hoc C. Cæsaris judicium.*] The order or decree by which Marcellus was restored.

18. *Ad illa arma fato.*] This is said with a view of excusing those who had followed Pompey. The philosophers of that age, for the most part, attributed to fate, the existence of civil wars; see Horace Epod. 7. *Sic est, acerba fata Romanos agunt.*

19. *Erroris humani.*] Some had been ready to accuse the opponents of Cæsar of acting from improper motives; but Cicero attributes it to mistaken views relative to the character and design of Cæsar, that they had followed Pompey.

21. *Memet mihi.*] Cicero was at first hostile to Cæsar; but, after the defeat of Pompey, was generously restored by him to his former office, as the other senators also were.

24. *Non ille.*] He shows the views of Cæsar respecting the conduct of his opponents from the treatment they received of him, whom he would not have, so consistently, restored to their former dignity and office, had he thought they were actuated by malice or any improper feeling toward him.

26. *Semper de pace agendum.*] Cicero was always opposed to war, so he writes to Atticus, *lib.* 7. *Epist.* 14. *Pacem hortari non desisto, quæ vel injusta utilior est quam justissimum bellum cum civibus.*

32. *Grati animi fidelis memoria.*] By the kindness of Pompey, Cicero had been recalled from exile. His attachment, therefore, to Pompey in the civil war, arose from a personal friendship, not from any dislike

que apud me grati animi fidelis memoria valuit, ut nullâ non modò [a] cupiditate, sed ne spe quidem, prudens et sciens, tanquam ad interitum ruerem voluntarium. Quod quidem meum consilium minimè obscurum fuit; nam et in hoc [b] ordine integrâ re, multa de pace dixi; et in ipso bello eadem etiam cum [c] capitis mei periculo sensi. Ex quo jam nemo erit tam injustus rerum [d] æstimator, qui dubitet, quæ Cæsaris voluntas de bello fuerit, cùm pacis auctores conservandos statim censuerit, cæteris fuerit iratior. Atque id minùs mirum videretur fortasse tum, cùm esset incertus exitus, et anceps fortuna belli; qui verò victor pacis auctores diligit, is profectò declarat, se maluisse non dimicare, quàm vincere. Atque hujus quidem rei M. Marcello sum testis; nostri enim sensus, ut in pace semper, sic tum etiam in bello congruebant: quoties ego eum, et quanto cum dolore vidi, cùm insolentiam certorum hominum, tùm etiam ipsius victoriæ ferocitatem extimescentem? Quo gratior tua liberalitas, C. Cæsar, nobis, qui illa vidimus, debet esse; non enim jam causæ sunt inter se, sed victoriæ comparandæ. Vidimus tuam victoriam præliorum exitu terminatam; [f] gladium vaginâ vacuum in urbe non vidimus; quos amisimus cives, eos Martis vis perculit, non ira victoriæ: ut dubitare debeat nemo, quin multos, si fieri posset, C. Cæsar ab inferis excitaret; quoniam ex eâdem acie conservat quos potest. Alterius verò partis nihil ampliùs dicam, quàm id, quod omnes verebamur, [g] nimis iracundam futuram fuisse victoriam; quidam enim non modò armatis, sed

a *ambitione.* b *Senatu.* c *vitæ meæ.* d *judex.*
e *victoria dubia.* f *vaginam vacuam gladio.* g *ferociorem.*

or hatred to Cæsar; such are his own expressions on the subject, *lib.* 7. *epist. fam.* 3. *Quia veritus sum deese Pompeii saluti, cùm ille aliquando non defuisset meæ.* We must recollect, however, that Cicero was attached to Pompey from political motives as well as frendship.

33. *Ad interitum ruerem voluntarium.*] Cicero, it would seem, never entertained very sanguine expectations of the ultimate success of Pompey. But, owing to his personal attachment to him, and his love for the cause of liberty, as well as gratitude for the favours he had received from him, he was induced to espouse his cause. Had it not been for motives of this kind, there is very little reason to believe that Cicero would have taken the part he did. It needed not much judgment to discern that the troops of Pompey were in every way inferior to those of Cæsar, and that the abilities of the commanders themselves were very unequal.

35. *Integrâ re.*] Namely, the republic before it was distracted by the wars of Pompey and Cæsar.

36. *Et in ipso bello*, &c.] Cicero was not present at the battle of Pharsalia, nor was Cato, they were both in the camp of Dyrrachium, which Cato commanded with fifteen cohorts. When Labienus brought them the news of Pompey's defeat, Cato offered the command to Cicero, as the superior in dignity; and on his refusal of it, as Plutarch tells us, young Pompey was so enraged, that he drew his sword, and would have killed him upon the spot, if Cato had not prevented it. Though this fact is not mentioned by Cicero, it is probable he refers to it in this passage.

Ib. *Ex quo.*] Cicero probably wishes here to flatter Cæsar by attributing peace to the agency of him, whose clemency alone spared the lives of those who were the friends of peace.

45. *Insolentiam certorum hominum.*] Alluding to those who were anxious for war, among whom were L. Lentulus, L. Domitius, Ænobarbus, Curius, and Antonius.

47. *Non enim causæ.*] Cicero refers not to the justness of either side of the war, but exclusively to the victory of Cæsar, who was remarkable for his lenity to the conquered; of Pompey and his officers, the same could not have been said.

50. *Eas Martis vis parculit.*] The victories of Cæsar cost no lives, but those of the men who fell in battle.

52. *Alterius vero parties.*] It appears from several of Cicero's epistles, that Pompey gave too much ground for this charge of cruelty. All who took not up arms in his defence, were considered ene-

interdum etiam otiosis minabantur: nec, quid quisque senisset, sed ubi fuisset, cogitandum esse dicebant: [a] ut mihi quidem videantur dii immortales, etiam si pœnas à poulo Romano ob aliquod delictum expetiverunt, qui civile bellum tantum et tam luctuosum excitaverunt, vel placati jam, vel etiam satiati aliquando omnem spem salutis ad clementiam victoris et sapientiam contulisse. Quare gaude tuo isto tam excellenti bono, et fruere cùm fortunâ et gloriâ, tum etiam naturâ et moribus tuis: ex quo quidem maximus est fructus jucunditasque sapienti; cætera cùm tua recordabere, etsi persæpè virtuti, tamen plerumque felicitati tuæ gratulabere: de nobis, quos in repub. tecum simul salvos esse voluisti, quoties cogitabis, toties de maximis tuis beneficiis, toties de incredibili liberalitate, toties de singulari sapientiâ tuâ cogitabis: quæ non modò summa bona, sed nimirum audebo vel sola dicere; tantus est enim splendor in [b] laude verâ, tanta in magnitudine animi et consilii dignitas, ut hæc à virtute donata, cætera à fortunâ commodata esse videantur. Noli igitur in conservandis bonis viris defatigari, non cupidiate præsertim, aut pravitate aliquâ lapsis, sed [c] opinione officii, stulta fortasse, certè non improba, et specie quâdem reipublicæ; non enim tua ulla culpa est, si te aliqui timuerunt; contraque summa laus, quòd plerique minimè timendum fuisse senserunt.

SECUNDA PARS.

In quâ diluit insidiarum suspiciones.

IV. Nunc verò venio ad gravissimam querelam, et atrocissimam suspicionem tuam; quæ non tibi ipsi magis, quàm cum omnibus civibus, tum maximè nobis, qui à te conservati sumus, [d] providenda est; quam etsi spero esse falsam, nunquam tamen verbis extenuabo: tua enim cautio, nostra cautio est; ut, si in alterutro peccandum sit, malim videri nimis timidus, quàm parum prudens: sed quisnam est iste

a *ita ut.* b *virtute.* c *errore.* d *cavenda.*

mies alike, whether they had espoused the cause of Cæsar or not. Pompey always affected to imitate Sylla, and was often heard to say, Could Sylla do such a thing, and cannot I do it? as if determined to make Sylla's victory the pattern of his own. He was much in the same circumstances in which that conqueror had once been; sustaining the cause of the senate by his arms, and treated as an enemy by those who possessed Italy; and, as he flattered himself, with the same good fortune, so he was meditating the same kind of return, and threatening ruin and proscription to all his enemies.

59. *Ad clementiam.*] Cæsar is again flattered by Cicero, as if victory had been granted to him by the gods as well for the good of the Roman people, as for the exhibition of Cæsar's clemency.

61. *Excellenti bono.*] That is, the clemency of Cæsar.

67 *Summa bona.*] *Summum bonum* denotes always a comparison of greater things with smaller, *solum bonum* is used without a comparison; the first denotes the greatest good, the latter the only good.

69. *Donata.*] The gifts of virtue are permanent, those of fortune transitory.

73. *Si te aliqui timuerunt.*] Cæsar was dreaded by the friends of Pompey.

74. *Plerique.*] It was now obvious to all, that Cæsar, after the victory, was not to be dreaded on the score of cruelty.

1. *Ad gravissimam querelam.*] When the brother of Marcellus threw himself at the feet of Cæsar, and applied for a pardon in the most humble and affectionate manner, Cæsar complained greatly of Marcellus, and said, that he suspected that he designed to lay snares for him.

4. *Tua enim cautio.*] This is said in compliment to Cæsar, as if the safety of the people consisted exclusively in his preservation.

5. *In alterutro.*] In either extreme, i. e. in fear or security.

tam demens? de tuisne? tametsi qui magis sunt tui, quàm quibus tu salutem insperantibus reddidisti? an ex eo numero, qui unà tecum fuerunt? non est credibilis tantus in ullo furor, ut, quo duce omnia summa sit adeptus, hujus vitam non anteponat suæ. At si tui nihil cogitant sceleris; cavendum est, ne quid inimici: qui? omnes enim qui fuerunt, aut suâ pertinaciâ vitam amiserunt, aut tuâ misericordiâ retinuerunt: ut aut nulli supersint de inimicis, aut, qui superfuerunt, amicissimi sint. Sed tamen, cùm in animis hominum tantæ latebræ sint, et tanti recessus, augeamus sanè suspicionem tuam: simul enim augebimus et diligentiam: nam quis est omnium tam ignarus rerum, tam rudis in repub. tam nihil unquam nec de sua, nec de communi salute cogitans, qui non intelligat, tuâ salute contineri suam? et ex unius tuâ vitam pendere omnium? Equidem de te dies noctesque, ut debeo, cogitans, casus duntaxat humanos et incertos eventus valetudinis, et naturæ communis fragilitatem extimesco; doleoque cùm respublica immortalis esse debeat, eam in unius mortalis animâ consistere: si verò ad humanos casus, incertosque eventus valetudinis, sceleris etiam accedat, insidiarumque consensio; quem deum, etiam si cupiat, opitulari posse reipublicæ credamus? Omnia sunt excitanda tibi, C. Cæsar, uni, quæ jacere sentis, belli ipsius impetu, quod necesse fuit, perculsa atque prostrata: constituenda judicia, revocanda fides, comprimendæ [a] libidines, propaganda soboles: omnia, quæ dilapsa defluxerunt, severis legibus [b] vincienda sunt. Non fuit recusandum in tanto bello civili, tantoque animorum ardore et armorum, quin quassata respublica, quicunque belli eventus fuisset, multa perderet et ornamenta dignitatis, et præsidia stabilitatis suæ; multaque uterque dux faceret armatus, quæ idem togatus fieri prohibuisset: quæ quidem nunc tibi omnia belli vulnera curanda sunt, quibus præter te mederi nemo potest. Itaque illam tuam præclarissimam et sapientissimam vocem invitus audivi; satis te diu vel naturæ vixisse, vel gloriæ: satis, si ita vis, naturæ fortasse; addo etiam, si placet, gloriæ; at, quod maximum est, patriæ certe parùm. Quare omitte, quæso, istam doctorum hominum in contemnenda morte prudentiam; noli nostro periculo sapiens esse; sæpe enim venit ad aures meas, te idem istud nimis crebrò dicere, satis te tibi vixisse; credo; sed tum id [c] audirem, si tibi soli viveres, aut si tibi etiam soli natus esses; nunc,

a *improbitates.* b *firmanda.* c *crederem.*

25. *Omnia sunt excitanda tibi.*] Cicero now urges Cæsar to restore the republic with its dignity and privileges; in doing which he manifests all that honesty, freedom, and firmness, which became a true lover of his country, and, at the same time, with inimitable address.

27. *Fides.*] Public credit.

33. *Togatus.*] The toga was the dress of the citizens, and never worn by those who were engaged in military duty.

34. *Belli vulnera.*] The injuries which the republic sustained during the civil wars.

35. *Itaque illam tuam.*] Alluding to what Cæsar had said in the senate in relation to Marcellus, when, after complaining of his cruelty, and of the snares which he suspected to be laid for him, he remarked that he had now lived long enough. It is said by Suetonius that Cæsar gave some of his friends reason to think that he did not wish to live any longer, and that he was not greived at his enjoying so bad a state of health; this declaration Cicero here attempts to refute.

36. *Vel naturæ vixisse.*] Cæsar was now in his fifty-fourth year.

39. *Istam doctorum hominum.*] This is said, no doubt, in allusion to the Stoic philosophers, who strenuously maintained that the fear of death ought to be despised.

cùm omnium salutem civium, cunctamque rempublicam res tuæ gestæ complexæ sint, tantum abes à perfectione maximorum operum, ut fundamenta, quæ cogitas, nondum jeceris. Hic tu [a] modum tuæ vitæ, non salute reipublicæ, sed æquitate animi definies? quid, si istud ne gloriæ quidem tuæ satis est? cujus te esse avidissimum, quamvis sis sapiens, non negabis. Parùmne igitur, inquies, gloriam magnam relinquemus? immo verò aliis, quamvis multis, satis; tibi uni parùm; quidquid enim est, quamvis amplum sit, id certe parùm est tum, cùm est aliquid amplius. Quod si rerum tuarum immortalium, C. Cæsar, hic exitus futurus fuit, ut, devictis adversariis, rempublicam in eo statu relinqueres, in quo nunc est? vide, quæso, ne tua divina virtus admirationis plus sit habitura, quàm gloriæ: siquidem gloria est illustris ac pervagata multorum et magnorum vel in suos, vel in patriam, vel in omne genus hominum fama [b] meritorum. Hæc igitur tibi [c] reliqua pars est: hic restat actus: in hoc elaborandum est, ut rempublicam constituas, eâque tu in primis, eum summâ tranquillitate et otio, perfruare: tum te, si voles, cum et patriæ, quod debes, solveris, et naturam ipsam expleveris satietate vivendi, satis diu vixisse dictio. Quid est enim omnino hoc ipsum diu, [d] in quo est aliquid extremum, quod cùm venerit, omnis voluptas præterita pro nihilo est, quia postea nulla futura sit? quanquam iste tuus animus nunquam [e] his angustiis, quas natura nobis ad vivendum dedit, contentus fuit: semper immortalitatis amore flagravit. Nec vero hæc tua vita dicenda est, quæ corpore et [f] spiritu continetur: illa, inquam, illa vita est tua, Cæsar, quæ vigebit memoriâ sæculorum omnium, quam posteritas alet, quam ipsa æternitas semper tuebitur; huic tu inservias, huic te ostentes oportet: quæ quidem quæ miretur jampridem multa habet; nunc, etiam quæ laudet, expectat: obstupescent posteri certe Imperia, Provincias, Rhenum, Oceanum, Nilum, pugnas innumerablies, incredibiles victorias, monumenta, munera, tri-

a *finem.* b *beneficiorum.* c *restat.*
d *quod habet aliquem finem.* e *hac brevitate.* f *respiratione.*

54. *Admirationis plus, quam gloriæ.*] The various and numerous victories and triumphs of Cæsar, excite the highest admiration; but his glory was greatly diminished by his refusing to restore the republic, now almost extinct by civil broils, to its former glory.

56. *Hic restat actus.*] This figure is borrowed from the drama. One scene yet remained to be exhibited, that the conduct of Cæsar might appear to the greatest advantage, namely, the restoration of the republic.

60. *Satis diu.*] Cæsar said in the case before alluded to, that he had lived long enough; Cicero now refutes this expression, and shows that he was under a mistake.

62. *Pro nihilo est.*] Pleasure that is past is to be esteemed as nothing, because it is not any longer perceptible.

68. *Huic tu inservias.*] For this you must exert yourself; intimating again the necessity of his exerting himself for the restoration of the republic, if he wished to procure immortal fame.

69. *Ostentes.*] It was in this way only that Cæsar could show to succeeding ages his greatness and true dignity of character.

71. *Imperia.*] Gaul, Britian, Germany, and Africa, were under the command of Cæsar.

Ib. *Provincias.*] That is, Spain and Gaul.

Ib. *Rhenum.*] Cæsar was the first who built a bridge, and led an army across the Rhine; he conquered the Germans who lived beyond it.

Ib. *Oceano.*] The British channel; Cæsar was the first who crossed over to Britian with a fleet.

Ib. *Nilum.*] The principal river of Egypt, where he conquered Ptolomy.

72. *Monumenta.*] After the termination of the war with Pompey, honours were attributed to Cæsar, as if he was a

umphos audientes et legentes tuos; sed nisi hæc urbs stabilita tuis consiliis et institutis erit, vagabitur [a] modò nomen tuum longè atque late; sedem quidem stabilem, et domicilium certum non habebit. Erit inter eos etiam, qui nascentur, sicut inter nos fuit, magna dissensio; cùm alii laudibus ad cœlum res tuas gestas efferent, alii fortasse aliquid requirent, idque vel maximum, nisi belli civilis incendium salute patriæ restinxeris: ut illud fati fuisse videatur, hoc consilii. Servi igitur iis etiam judicibus, qui multis post seculis de te judicabunt, et quidem [b] haud scio, an incorruptiùs, quàm nos; nam et sine amore, et sine cupiditate, et rursus sine odio, et sine invidiâ judicabunt. Id autem etiam si tunc ad te, ut quidam falsò putant, non pertinebat, nunc certe pertinet, te esse talem, ut tuas laudes obscuratura nulla unquam sit oblivio. Diversæ voluntates civium fuerunt, distractæque sententiæ; non enim consiliis solùm et studiis, sed armis etiam et castris dissidebamus. Erat autem [c] obscuritas quædam, erat certamen inter clarissimos duces: multi dubitabant, quid optimum esset; multi, quid sibi expediret; multi quid deceret; nonnulli etiam, quid liceret. [d] Perfuncta respublica est hoc misero fatalique bello: vicit is, qui non [e] fortunâ inflammaret odium suum, sed bonitate leniret; nec qui omnes, quibus iratus esset, eosdem etiam exilio, aut morte dignos judicaret: arma ab aliis posita, ab aliis erepta sunt. Ingratus est injustusque civis, qui armorum periculo liberatus, animum tamen retinet [f] armatum: ut etiam ille sit melior, quo in acie cecidit, qui in causâ animam profudit; quæ enim pertinacia est quibusdam, eadem aliis constantia videri potest. Sed quia jam omnis fracta dissensio est armis, et extincta æquitate victoris; restat, ut omnes [g] unum velint, qui modò habent aliquid non solùm sapientiæ, sed etiam sanitatis. Nisi te, C. Cæsar, salvo, et in istâ sententiâ, quâ cùm antea, tum hodie vel maximè usus es, manente, salvi esse non possumus. Quare omnes te, qui [h] hæc salva esse volumus, et hortamur, et obsecramus, ut vitæ

a *tantummodò.* b *ut arbitror, incorruptiùs.* c *error.* d *liberata.* e *victoriâ* f *hostilem.* g *consentiant.* h *Rempublicam salvam.*

god. Monuments and statutes were erected to him in the temples and public places, in different parts of the Roman empire.

Ib. *Munera.*] It was the custom of the Roman generals, after obtaining a victory, to give to those who had distinguished themselves by their bravery, presents, that were called *congiaria*, which was the general name of all gifts bestowed on the occasion.

Ib. *Triumphos.*] Cæsar obtained five triumphs, one over Gaul, one over Pontus, one over Egypt, one over Africa, and one over Spain.

79. *Ut illud fati fuisse,* &c.] Cicero wished that the civil wars might, by succeeding generations, be attributed to fate; but the restoration of the republic to the prudence of Cæsar.

80. *Iis Judicibus.*] That is, posterity would judge more impartially concerning Cæsar, than his cotemporaries would be likely to do.

82. *Id autem.*] Cæsar did not believe in the immortality of the soul, as Sallust informs us, for which Cicero gently reproves him in this place.

83. *Non pertinebit.*] Reasoning from Cæsar's notion of the nature of the soul.

85. *Diversæ voluntates.* &c.] Some were, during the civil wars, friendly to Pompey, and some to Cæsar, according to the different views they took of the subject.

93. *Arma ab aliis posita.*] When Pompey was conquered, some gave up his cause entirely, others pertinaciously adhered to it, and followed Cato and Scipio into Africa, nor relinquished the cause till they were completely vanquished by the superior power of Cæsar.

100. *Tum hodie.*] The day on which Marcellus was restored.

ut saluti tuæ consulas: omnesque tibi (ut pro aliis etiam loquar, quod de me ipse sentio) quoniam subesse aliquid putas, quod cavendum sit, non modò excubias et custodias, sed etiam laterum nostrorum [a] oppositus et corporum pollicemur.

PERORATIO.

Gratias egit Cæsari pro Marcello restituto; redditque rationes, cur cæteris tacentibus potissimùm ipse dixerit.

V. sed ut, unde est orsa, in eodem terminetur oratio mea; maximas tibi gratias agimus, C. Cæsar, majores etiam habemus. Nam omnes idem sentiunt, quod ex omnium precibus et lacrymis [b] sentire potuisti. Sed quia non est stantibus omnibus necesse dicere, à me certè dici volunt, cui necesse est quodammodo, et quod volunt, et quod M. Marcello à te huic ordini populoque Romano et Reipublicæ reddito, præcipuè id à me fieri debere intelligo; nam lætari omnes, non ut de [c] unius solum, sed ut de communi omnium salute, sentio: quod autem summæ benevolentiæ est, quæ mea erga illum omnibus semper nota fuit, ut vix C. Marcello, optimo et amantissimo fratri, præter eum quidem cederem nemini; cum id solicitudine, curâ, labore, tamdiu præstiterim, quamdiu est de illius salute dubitatum; certè hoc tempore magnis curis, molestiis, doloribus liberatus præstare debeo. Itaque, C. Cæsar, sic tibi gratias ago, ut omnibus me rebus à te non conservato solùm sed etiam ornato, tamen ad tua innumerabilia in me unum merita, quod fieri jam posse non arbitrabar, maximus [d] hoc tuo facto cumulus accesserit.

a *oppositiones.* b *videre.* c *Marcelli.* d *Marcello restituto.*

PRO

Q. LIGARIO,

AD C. CÆSAREM.

Quintus Ligarius was deputy in Africa during the war that was there carried on against Cæsar. His two brothers, however, had always taken part with Cæsar; and when victory was declared in his favour, exerted all their influence in his behalf. In this they were warmly supported by Pansa and Cicero. But Q. Tubero, who had an old quarrel with Ligarius, knowing Cæsar to be particularly exasperated against those who had renewed the war in Africa, accused him as being one of the principal causes of that war, hoping in this way to prevent his pardon. Cæsar, it was thought, secretly encouraged the prosecution, and sat himself as judge, on the trial under strong feelings of prejudice and resentment. The power of Cicero's eloquence, however, which was exerted with all his skill, is said by Plutarch to have made Cæsar tremble, and not only so, but to have got the better of all his prejudices, and extorted a pardon from him against his will. Whatever truth there may be in the story, which rests entirely on the authority of Plutarch, the address and judgment exhibited in the oration claimsfor it the highest merit as well as commendation. It was delivered A. U. C. 707. *anno Ciceronis* 61.

EXORDIUM.

Totum istud Exordium ironicum est.

I. NOVUM crimen, C. Cæsar, et ante hunc diem inauditum, propinquus meus ad te Q. Tubero detulit, Q. Ligarium in Africâ fuisse: id C. Pansa, præstanti vir ingenio, fretus fortasse eâ familiaritate quæ est ei tecum, ausus est confiteri. Itaque quò me vertam nescio; paratus enim veneram cùm tu id neque per te scires, neque audire aliunde potuisses, ut ignoratione tuâ ad hominis miseri salutem abuterer. Sed quoniam diligentiâ inimici investigatum est id, quod

NOTES.

1. *Novum crimen.*] Cicero appears to speak ironically in the use of this expression.

Ib. *Inauditum.*] This is also used in an ironical manner of speaking.

2. *Q. Tubero.*] Tubero was an orator, who, in consequence of a quarrel with Ligarius, endeavoured to obstruct his pardon; he was related to Cicero in some way or other, some say he had married his sister. Cicero here styles him *meus propinquus.*

3. *C. Pansa.*] C. Pansa was an orator of some eminence, and, at one time, strove to rival Cicero. He was held in high estimation by Cæsar, and, after the battle of Pharsalia, was often employed by the friends of Pompey to intercede for them with Cæsar; he was afterwards made consul with Hirtius, A. U. C. 709.

4. *Itaque quò me vertam.*] Doubtless an ironical expression. After complaining, that through the diligence of his opponent, he had lost the opportunity of denying that Q. Ligarius was in Africa, he concludes that his best plan was candidly to acknowledge the fact.

5. *Cùm tu id.*] Cæsar had not known, before this prosecution was about to be commenced, that Ligarius was in Africa.

7. *Inimici.*] Tubero, the accuser of Ligarius.

latebat, confitendum est, ut opinor: præsertim cùm meus [a] necessârius C. Pansa fecerit, ut id jam integrum non esset: omissâque controversiâ, omnis oratio ad misericordiam tuam conferenda est, qua plurimi sunt conservati, cùm à te non liberationem culpæ, sed [b] errati veniam impetravissent. Habes, igitur, Tubero, quod est accusatori maximè optandum, confitentem reum: sed tamen ita confitentem, se in eâ parte fuisse, quâ te, Tubero, quâ virum omni laude dignum, patrem tuum. Itaque priùs de vestro delicto confiteamini necesse est, quàm Ligarii ullam culpam reprehendatis.

NARRATIO.

II. Q igitur Ligarius, cùm esset adhuc nulla belli suspicio, legatus in Africam cum proconsule C. Considio profectus est: quâ in legatione et civibus et sociis ita se probavit, ut decedens Considius provinciæ satisfacere hominibus non posset, si quemquam alium provinciæ præfecisset. Itaque Q. Ligarius, cùm diu recusans nihil profecisset, provinciam accepit invitus: cui sic præfuit in pace, ut et civibus et sociis gratissima esset ejus [c] integritas et fides. Bellum subito exarsit: quod, qui erant in Africâ, ante audierunt geri, quàm parari; quo audito, partim cupiditate inconsideratâ, partim cæco quodam timore, primò salutis, pòst etiam studii sui, quærebant aliquem ducem: cùm Ligarius [d] domum spectans, et ad suos redire cupiens, nullo se implicari negotio passus est. Interim P. Attius Varus, qui Prætor Afri-

a *amicissimus*. b *imprudentiæ*. c *abstinentia*. d *cupiens domum* redire.

9. *Controversiâ.*] As controversy depends on difference of opinion; when the point in question is given up by either party, disputation must necessarily cease. Cicero, in the present instance, acknowledges the charge, and addresses himself entirely to the clemency of Cæsar.

11. *Liberationem culpæ.*] Many of the friends of Pompey, who could not deny their attachment to him, obtained pardon from Cæsar, by candidly acknowledging their error in defending the cause of his adversary.

14. *Fuisse quâ te.*] L. Tubero, together with his son Q. Tubero, had been sent into Africa for provision by the senate, when Cæsar was considered by them as an enemy to his country.

1. *Legatus.*] The legate or deputy was the person who was invested with the supreme authority in the absence of the principal officer; they were for the most part officers of the second grade.

2. *In Africam.*] When Carthage was destroyed by Scipio Africanus Æmilianus, A. U. C. 617, that part of Africa, as Velleius informs us, was reduced to a province, subjected to Roman laws, became tributary, and was governed by a prætor and proconsul sent from Rome.

Ib. *Proconsule Considio.*] We are not informed that Considius was consul; the probability then is, that he was sent into Africa by the senate, not as consul, but with consular authority. It was not uncommon among the Romans, to send, not only consuls, but prætors, with consular authority into their provinces.

3. *Civibus.*] Roman citizens who were then in Africa.

4. *Alium provinciæ præfecisset.*] It was the custom of the proconsuls and prætors when called from the provinces, to appoint deputies, who were invested with the chief command till their return, or till the arrival of their successors, as the case might be.

7. *Bellum subito exarsit.*] A war suddenly blazed forth. A metaphor taken from the breaking out of fire, in order to exhibit in the most striking manner the pernicious effects of the civil war.

10. *Studii sui.*] A leader was at first sought, who might protect them; but afterwards, they were anxious to obtain one who would favour their inclinations.

12. *P. Attius Varus.*] This Varus was the first who seized Africa on the part of the republic, and, being supported by all the force of king Juba, Pompey's constant friend, reduced the whole province to his obedience. But being defeated by Cæsar, he fled with Sex. Pompeius and Labienus

eam obtinuerat, Uticam venit: ad eum statim concursum est; atque ille non mediocri cupiditate arripuit imperium: si illud imperium esse potuit, quod ad privatum, clamore multitudinis imperitæ, nullo publico consilio deferebatur. Itaque Ligarius, qui omne tale negotium cuperet effugere, paulùm adventu Vari conquievit. Adhuc, C. Cæsar, Q. Ligarius omni culpâ vacat: domo est egressus, non modò nullum ad bellum, sed ne ad minimam quidem suspicionem belli: legatus in pace profectus, in provincia pacatissima ita se gessit, ut ei pacem esse expediret. Profectio certe animum tuum non debet offendere; num igitur remansio? multo minus: nam profectio voluntatem habuit non turpem, remansio etiam necessitatem honestam. Ergo hæc duo tempora carent crimine: unum, cum est legatus profectus; alterum, cum efflagitatus à provincia, præpositus Africæ est. Tertium est tempus, quo post adventum Vari in Africa restitit; quod si est criminosum, necessitatis crimen est, non voluntatis. An ille si potuisset illinc ullo modo evadere, Uticæ potius quàm Romæ; cum P. Attio, quàm cum concordissimis fratribus; cum alienis esse, quàm cum suis maluisset? cùm ipsa legatio plena desiderii ac solicitudinis fuisset, propter incredibilem quendam fratrum amorem, hic æquo animo esse potuit, belli discidio distractus à fratribus?

CONTENTIO.

III. Nullum igitur habes, Cæsar, adhuc in Q. Ligario signum alienæ à te voluntatis; cujus ego causam, animadverte, quæso, quâ fide defendam, cùm prodo meam. O clementiam admirabilem, atque omni laude, prædicatione, literis, monumentisque decorandam! M. Cicero apud te defendit, alium in ea voluntate non fuisse, in qua se ipsum confitetur fuisse; nec [a] tuas tacitas cogitationes extimescit; nec, quid [b] tibi de alio audienti de seipso occurrat, reformidat. Vide, quàm non reformidem: vide, quanta [c] lux liberalitatis et sapientiæ tuæ mihi apud te dicenti oboriatur; quantum potero, voce contendam, ut hoc populus Romanus exaudiat. Suscepto bello, Cæsar, gesto etiam ex magna parte, nulli vi coactus, judicio meo ac volun-

a *quid cogites* de eo. b *cum audies de alio*. c *laus*.

into Spain, and was killed in the battle of Munda.

13. *Uticam.*] Utica, now called Biserta, was a city of Tunis in Africa, built by the Phœnicians. Cato is sometimes called Uticensis, because he here put a period to his existence.

14. *Arripuit imperium.*] When Varus came to Utica, he raised an army and assumed the government of Africa to himself.

Ib. *Si illud imperium.*] He corrects his expression. Private men received the authority of magistrates, by a decree of the senate passed for the purpose, according to the provision of the *lex curiata*.

17. *Conquievit.*] Varus, on his arrival, assumed the government of the province; Ligarius, consequently obtained an exemption from public affairs.

18. *Q. Ligarius omni culpâ vacat.*] The orator here wishes to recall to Cæsar's recollection, that Ligarius had in no respect acted amiss.

Ib. *Domo est egressus.*] That is from the city of Rome.

23. *Necessitatem honestam.*] It was necessary for Ligarius to remain in Africa, not only because he was commanded by Considius, who had sent him over the province to do so, but was requested by the Africans themselves not to depart.

24. *Duo tempora.*] Two periods, the first, when he departed from Rome; the second, when he remained in Africa.

3. *Cum prodo meam.*] Cicero had been placed in the same predicament in which Ligarius was, whom he now defends.

10. *Suscepto bello.*] Cicero had taken an

tate ad ea arma profectus sum, quæ erant sumpta contra te. Apud quem igitur hoc dico? nempe apud eum, qui, cùm hoc sciret, tamen me, antequam vidit, reipublicæ reddidit: qui ad me ex Ægypto literas misit, ut essem idem qui fuissem: qui, cum ipse imperator in toto imperio populi Romani unus esset, esse me alterum passus est: à quo, hoc ipso C. Pansa mihi nuncium perferente, concessos fasces laureatos tenui, quoad tenendos putavi: qui mihi tum denique se salutem putavit reddere, si eam nullis spoliatam ornamentis redderet. Vide, quæso, Tubero, ut qui de meo facto non dubitem dicere, de Ligarii non audeam confiteri. Atque hæc propterea de me dixi, ut mihi Tubero, cum de se eadem dicerem, ignosceret; cujus ego industriæ gloriæque faveo, vel propter propinquam cognationem, vel quòd ejus ingenio studiisque delector, vel quòd [a] laudem adolescentis propinqui existimo etiam ad meum aliquem fructum redundare. Sed hoc quæro, quis putet esse crimen fuisse in Africa Ligarium? nempe is, qui et ipse in Africa esse voluit, et prohibitum se à Ligario queritur, et certe contra ipsum Cæsarem est congressus armatus. Quid enim,

a *ex laude percipere me aliquem frutum.*

active part in opposition to Cæsar during the civil war; he alludes to this in the present instance, in order to reconcile him to Ligarius, by the mentioning of the clemency shewn toward himself, after the defeat of Pompey.

14. *Reipub. reddidit.*] After the defeat of Pompey, Cicero was permitted by Cæsar to return to his country, even before they had an interview.

Ib. *Ex Ægypto literas misit.*] After the battle of Pharsalia, Cæsar went to Egypt, where he remained nine months. During this time, the letters in question were written to Cicero; the amount of which was, that he should be permitted to continue in the same character he had formerly sustained; as expressed above, *Ut esset idem qui fuissem.*

16. *Me alterum passus est.*] In the consulship of Ser. Sulpicius, and M. Marcellus, Cicero was sent proconsul into Cilicia, where he defeated the Armenians, and took the city of Pindenissus; he waged war, too, with the robbers who infested mount Amanus, on which account he was saluted general by the soldiers. The following year, when L. Paulus and C. Marcellus were consuls, he returned from his province to Italy, and came near to Rome: by this time a civil war had arisen under the consulate of Lentulus and Marcellus. But because he did not actually enter the city, he kept his office, and remained proconsul; for the governors of provinces, as we learn from Ulpian, retained their office no longer than they entered Rome. We have in the tenth book of the epistles to Attius, one written about this time, by Cæsar to Cicero, which commences thus, *Cæsar imperator, Marco Tullio Ciceroni imperatori salutem.*

17. *Fasces laureatos.*] The proconsuls had each six lictors who went before them with axes and rods; but the *imperatores* or generals had the laurel, also, added to the rods, in honour of their victories.

18. *Quoad tenendos putavi.*] Cicero retained his lictors till the month of October, when Cæsar being made dictator again, he threw down this insignia of his office at the gate, and entered the city; he, however, was afterwards permitted to retain them for four years together, with their concomitant authority.

23. *Vel propter propinquam cognationem.*] Tubero was related to Cicero by his mother's side of the house.

24. *Studiisque delector.*] Tubero studied eloquence, and engaged in public speaking, but afterwards relinquished it on account of the superior abilities of Cicero.

25. *Sed hoc quæro.*] He now begins to refute the charge against Ligarius.

26. *Nempe is.*] Tubero, the very man who was anxious to be there himself. Tubero was sent by the senate to Africa, for the purpose of obtaining provisions. On his arrival, Ligarius refused to receive him into the port; of this he complained, because he acted under the authority of the senate. On finding that it was impossible to effect his purpose, he went to the camp of Pompey, then in Macedonia.

28. *Quid enim, Tubero.*] Cicero confirms his accusation against Tubero, by the fact that he had taken up arms against Cæsar. This passage is supposed to have raised the strongest emotions in Cæsar's breast, and even to have made him tremble. Ac-

Tubero, tuus ille districtus in acie Pharsalica gladius agebat? cujus latus ille mucro petebat? qui sensus erat armorum tuorum? quæ tua mens? oculi? manus? ardor animi? quid cupiebas? quid optabas? Nimis urgeo: commoveri videtur adolescens: ad me revertar; iisdem in armis fui: quid autem aliud egimus, Tubero, nisi ut, quod hic potest, nos possemus? Quorum igitur impunitas, Cæsar, tuæ clementiæ laus est, eorum ipsorum ad crudelitatem te [a] acuet oratio? Atque in hac causa nonnihil equidem, Tubero, etiam tuam, sed multo magis patris tui, prudentiam desidero: quòd homo cùm ingenio, tum etiam doctrinâ excellens, genus hoc causæ quod esset, non viderit; nam si vidisset, quovis prefectò, quàm isto modo à te agi maluisset. Arguis fatentem: non est satis; accusas eum qui causam habet, aut, ut ego dico, meliorem quàm tu; aut, ut tu vis, parem. Hæc non modò mirabilia sunt, sed prodigii simile est, quod dicam. Non habet eam vim ista accusatio, ut Q. Ligarius condemnetur, sed ut necetur: hoc egit civis Romanus ante te nemo; externi isti mores usque ad [b] sanguinem incitare solent odium aut levium Græcorum, aut immanium barbarorum. Nam quid aliud agis? ut Romæ ne sit? ut domo careat? ne cum optimis fratribus, ne cum hoc T. Broccho avunculo suo, ne cum ejus filio consobrino suo, ne nobiscum vivat? ne sit in patria? num est? num potest magis carere his omnibus, quam caret? Italia

a *incitabit.* b *mortem.*

cordingly, the story has often been alleged in proof of the power of ancient eloquence; but the fact seems to be justly questionable. Cicero's total silence in regard to it, seems to furnish a strong presumptive argument against its credit; it being altogether improbable, as M. Melmoth justly observes, that a man of Cicero's character should have omitted any opportunity of displaying a circumstance so much to the honour of his elocution. It is worthy of remark, too, that Valerius Maximus, who has a chapter expressly to show the force of eloquence, and who mentions a particular instance of this kind with regard to Cicero himself, takes not the least notice of the passage in question, and it is not to be supposed that he would have omitted it had he known it to be true, especially as it afforded him a much stronger instance for his purpose than any he has enumerated. The only ancient writer who relates the story is Plutarch, and he introduces it with a λεγεται δε, it is said, which seems to imply, that he did not copy it from any earlier historian, but received it only from tradition. Now, such a report, as M. Melmoth observes, might have arisen from Cæsar's being seized during the course of this trial with one of his usual epileptic fits, which were attended with that change of colour, and trembling of the nerves, that Plutarch ascribes to the force of Cicero's eloquence. And that this is the truth of the matter, is rendered probable by the testimony of Suetonius, who informs us that Cæsar was twice seized with these fits, when he was engaged in judicial affairs.

29. *Districtus.*] It must be recollected that Tubero at this time was engaged on the side of Pompey.

32. *Commoveri videtur adolescens.*] If Cæsar did appear agitated on this occasion, it would seem from the language Cicero here uses, that for some cause or other, perhaps with a view of saving his feelings, he spoke as if it was Tubero that was disturbed.

Ib. *Iisdem in armis fui.*] We are informed by Plutarch, that though Cicero was in the camp of Pompey, he was not present at the engagement of Pharsalia in consequence of ill health; at that time he was at Darrhacium with Cato.

33. *Quod hic potest.*] Namely, that we might be in possession of that power, which Cæsar now has.

38. *Doctrinâ excellens.*] Tubero, the son, excelled in his knowledge of law, but the father in that of history, as appears from one of Cicero's epistles.

41. *Meliorem.*] The cause of Ligarius was better than that of Tubero, because Ligarius remained in Africa contrary to his wishes, Tubero was anxious to remain there, though he was not permitted to come ashore by Ligarius and Varo.

44. *Externi isti mores.*] These are foreign customs; the Greeks and Barbarians

prohibetur, exulat. Non tu ergo hunc patriâ privare, quâ caret, sed vitâ, vis. At istud ne apud eum quidem Dictatorem, qui omnes, quos oderat, morte multabat, quisquam egit isto modo: ipse jubebat occidi, nullo [a] postulante: præmiis etiam invitabat; quæ tamen crudelitas ab hoc eodem aliquot annis post, quem tu nunc crudelem esse vis, vindicata est. Ego vero istud non postulo, iniquies: ita mehercule existimo, Tubero; novi enim te, novi patrem tuum, novi domum, nomenque vestrum: studia denique generis, ac familiæ vestræ, virtutis, humanitatis, doctrinæ plurimarum artium atque optimarum, nota sunt mihi omnia: itaque certò scio, vos non petere sanguinem: sed parùm attenditis; res enim eò [b] spectat, ut ea pœna, in qua adhuc Q. Ligarius sit, non videamini esse contenti: quæ est igitur alia, præter mortem? si enim in exilio est, sicuti est, quid amplius postulatis? an, ne ignoscatur? hoc verò multo acerbius, multoque est gravius; quod nos domi petimus precibus et lacrymis, prostrati ad pedes, non tam nostræ causæ fidentes, quàm hujus humanitati, id ne impetremus [c] pugnabis? et in nostrum fletum irrumpes? et [d] nos jacentes ad pedes supplicum voce prohibebis?

IV. Si, cùm hoc domi faceremus, quod et fecimus, et ut spero, non frustra fecimus, tu derepentè irrupisses, et clamare cœpisses, C. CÆSAR, cave credas, cave ignoscas, cave te fratrum pro fratris salute obsecrantium misereat; nonne omnem humanitatem exuisses? quanto hoc durius, quod nos domi petimus, id à te in foro oppugnari? et in tali miseria multorum perfugium misericordiæ tollere? Dicam plane, C Cæsar, quod sentio: si in hac tanta tua fortuna [e] lenitas tanta non esset, quantum [f] tu per te, per te, inquam, obtines (intelligo quid loquar) acerbissimo luctu redundaret ista victoria; quàm multi enim essent de victoribus qui te crudelem esse vellent, cum etiam de victis reperiantur? quam multi, qui, cùm à te nemini ignosci vellent, impedirent clementiam tuam, cùm etiam ii, quibus ipse ignovisti, no-

a *accusante.* b *tendit.* c *impedies.*
d *non permittes supplicare.* e *clementia.* f *natura tua.*

frequently, in such cases, carried their resentment so far as to punish with death; but the Romans never did.

51. *Dictatorem.*] Alluding to Sylla, who was notorious for his cruelties to those who opposed his measures.

53. *Præmiis invitabat.*] It was not uncommon with Sylla to offer a reward of two talents to any one who should put to death those whom he had proscribed.

Ib. *Quæ tamen crudelitas*, &c.] Cicero here pays a fine compliment to Cæsar, who, though he was dictator, always acted with moderation, and never failed to express his utmost abhorrence of Sylla's cruelty; nor was this all, he passed a law by which every one was to be punished as a murderer, who had received any part of the public money for killing those who had been proscribed.

54. *Aliquot annis.*] During 17 years.

57. *Generis.*] Tubero was of the Ælian family, from which sprung the Pæti, the Lamiæ, and the Tuberones, many of whom were eminent for their literary attainments.

64. *Domi petimus.*] Cæsar frequently heard petitions of this kind at his own house.

1. *Si, cùm hoc domi.*] Reasoning from the less to the greater, to show the inhumanity of Tubero in its most glaring form. The amount of the argument is this; if it would be inhuman in Tubero to prevent them from supplicating the clemency of Cæsar in his own house, it was much more inhuman in him to do so in the forum.

6. *In tali miseria multorum.*] The only prospect of safety to those who had followed Pompey was in the clemency of Cæsar.

10. *De victis.*] Among the vanquished in Pompey's army were the Tuberones. He reasons again from the less to the greater.

lint te in alios esse misericordem? Quod si probare Cæsari possemus, in Africa Ligarium omnino non fuisse: si honesto et misericordi mendacio saluti civis calamitosi [a] consultum esse vellemus: tamen hominis non esset, in tanto discrimine et periculo civis, refellere et coarguere nostrum mendacium: et si esset alicujus, ejus certe non esset, qui in eadem causa et fortuna fuisset. Sed tamen aliud est [b] errare Cæsarem nolle, aliud nolle misereri: tum diceres, Cave, Cæsar, credas; fuit in Africa Ligarius; tulit arma contra te; nunc quid dicis? Cave ignoscas. Hæc nec hominis, nec ad hominem vox est: quâ qui apud te, C. Cæsar, utetur, suam citiùs abjiciet humanitatem, quàm extorquebit tuam. Ac primus aditus, et postulatio Tuberonis hæc, ut opinor, fuit, velle se de Q. Ligarii scelere dicere: non dubito, quin admiratus sis, vel quod de nullo alio quisquam, vel quod is qui in eadem causa fuisset, vel quidnam novi facinoris adferret. Scelus tu illud vocas, Tubero? cur? isto enim nomine illa adhuc causa caruit: alii errorem appellant, alii timorem: qui duriùs, spem, cupiditatem, odium, pertinaciam: qui gravissimè, temeritatem: scelus, præter te, adhuc nemo. Ac mihi quidem, si proprium et verum nomen nostri mali quæratur, fatalis quædam calamitas incidisse videtur, et improvidas hominum mentes occupavisse: ut nemo mirari debeat, humana consilia divinâ necessitate esse superata. Liceat esse miseros, quanquam hoc victore esse non possumus: sed non loquor de nobis: de illis loquor, qui [c] occiderunt, fuerint, [d] cupidi, fuerint irati, fuerint pertinaces: sceleris vero crimine, furoris, parricidii, liceat Cn. Pompeio mortuo, liceat multis aliis carere. Quando hoc quisquam ex te, Cæsar, audivit? aut tua quid aliud arma voluerunt, nisi à te contumeliam propulsare? quid egit tuus ille invictus exerci-

a *consulere.* b *decipi.* c *mortui sunt.* d *ambitiosi.*

32. *Ac primus aditus.*] After inveighing against the cruelty of Tubero, he speaks now in relation to the crime charged by Tubero against Ligarius, in the commencement of his oration on that subject.

28. *Alii errorem.*] Many, under the impression that the cause of Pompey was more for the interest of the republic than that of Cæsar, had taken part with him. They consequently would be willing to consider the circumstance of Ligarius, as being in Africa, and afterwards in the camp of Pompey, as an error.

Ib. *Alii timorem.*] Some were afraid that the power of Cæsar, which was now becoming formidable, would terminate in tyranny.

29. *Spem.*] Some expected that from the repeated success of Pompey in former instances, there was little doubt that he would be successful on this occasion.

Ib. *Cupiditatem.*] Others did not doubt but that if they espoused the cause of Pompey, they should be enriched with gifts and offices.

Ib. *Odium.*] Others, again, enraged with Cæsar's proceedings, endeavoured to advance the cause of Pompey in opposition to his.

Ib. *Pertinaciam.*] Those who defended the cause of Pompey in his former wars, were now reluctant to abandon it.

Ib. *Temeritatem.*] Some were carried away with an inconsiderate desire of being engaged in war.

30. *Ac mihi quidem.*] After mentioning the views of others concerning the civil wars, and the reasons that induced them to prefer one side rather than another, Cicero brings forward his own opinion, and in accordance with the wiews of many of the philosophers of the day, ascribes the whole cause of the evil to fatal necessity.

39. *Contumeliam propulsare.*] Cæsar alleges, in the first book of his Commentaries, that he had been ignominiously treated in three different respects. 1. When he had the administration of Gaul entrusted to him for ten years, a successor was appointed before the expiration of that time. 2. When he left Gaul, and applied for the consulate, it was denied to him. 3. When the honour of a triumph, in consequence of a victory he had gained, was

tus, nisi ut suum jus tueretur, et dignitatem tuam? quid? tu cum pacem esse cupiebas, id-ne agebas, ut tibi cum sceleratis, an ut cum bonis civibus conveniret? Mihi vero, Cæsar, tua in me maximè merita tanta certe non viderentur, si me ut sceleratum à et conservatum putarem. Quomodo autem tu de republica benè meritus esses, si tot sceleratos incolumi dignitate esse voluisses? Secessionem tu illam existimavisti, Cæsar, initio, non bellum: non hostile odium, sed civile dissidium, utrisque cupientibus rempub. salvam, sed partim consiliis, partim studiis, à communi utilitate aberrantibus. Principum dignitas erat penè par; non par fortasse eorum, qui sequebantur: causa tum dubia, quòd erat aliquid in utraque parte, quod probari posset: nunc melior certe ea judicanda est, quam etiam dii adjuverint; cognita vero clementia tua, quis non eam victoriam probet, in qua occiderit nemo, nisi armatus?

V. Sed ut omittam communem causam, veniamus ad nostram. Utrum tandem existimas facilius fuisse, Tubero, Ligarium ex Africa exire, an vos in Africam non venire? Poteramus-ne, inquies, cùm Senatus censuisset? si me consulis, nullo modo; sed tamen Ligarium Senatus idem legaverat. Atque ille eo tempore paruit, cùm parere Senatui necesse erat: vos tunc paruistis, cum paruit nemo qui noluit. Reprehendo igitur? minimè vero; neque enim licuit aliter vestro generi, nomini, familiæ, disciplinæ: sed hoc non concedo, ut, quibus rebus gloriemini in vobis, easdem in aliis reprehendatis. Tuberonis sors conjecta est ex S. C. cum ipse non adesset, morbo etiam impediretur: statuerat [se] excusare. Hæc ego novi propter communes

refused him, the senate desired he should give an account of his management of the matters entrusted to him.

41. *Pacem esse cupiebas.*] Cæsar all along pretended to be desirous of an accommodation, and endeavoured, particularly, to persuade Cicero that he had no other object in view than to secure himself from the insults of his enemies, and yield the first rank in the state to Pompey. This, doubtless, was mere pretence, nor is it at all likely that he had any serious thought of an accommodation. Whether Cicero spoke his true sentiments in this instance, or whether he endeavoured to accommodate himself as far as he could, consistently with his profession, to the circumstances of the occasion, is not easily to determine. Cicero in his epistle to *Cæcina, lib.* 6. speaking of Pompey and Cæsar, expresses himself in this manner, "I have often admired the dignity, justice, and wisdom of Cæsar, who never speaks of Pompey except in the most honourable terms; and, though, in many respects, he has acted harshly toward him, we must attribute it to the consequences of war and victory, and not to any improper feeling on Cæsar's part."

46. *Non bellum.*] *Bellum* properly signifies a war carried on with foreign nations, as some suppose; if this interpretation of the word, however, cannot be supported, Cicero wishes in the present instance to extenuate the enormities of the civil war.

48. *Principum dignitas.*] Cicero seems here to give the preference to Pompey, on whose side almost all the chief magistrates of Rome were engaged.

1. *Communem causam.*] The common cause was in which the friends of Pompey in general were concerned.

Ib. *Ad nostram.*] That is, the cause of Ligarius.

2. *Utrum tandem.*] Comparing the cause of Ligarius with that of Tubero; he inquires whether Ligarius for remaining in Africa, or Tubero in sailing thither, and attempting to effect a landing, was the more to be blamed, and gives his judgment against Tubero.

7. *Neque enim licuit.*] Cicero does not find fault with Tubero for obeying the senate, but maintains that Ligarius had a reason for remaining in Africa that was perfectly justifiable, and that Tubero had no cause for finding fault with him for doing so.

9. *Tuberonis sors.*] Tubero did not obtain the province of Africa, by any improper measures; it was decreed to him by the senate.

necessitudines, quæ mihi sunt cum L. Tuberone: domi unà eruditi, militiæ contubernales, pòst affines, in omni denique vita familiares: magnum etiam vinculum, quòd iisdem semper studiis usi sumus. Scio igitur Tuberonem domi manere voluisse, sed ita quidam agebant, ita reipublicæ sanctissimum nomen opponebant, ut etiam si aliter sentiret, verborum tamen ipsorum pondus sustinere non posset; cessit auctoritati amplissimi viri, vel potius paruit: unà est profectus cum iis, quorum erat [a] una causa: tardiùs iter fecit: itaque in Africam venit jam occupatam. Hinc in Ligarium crimen oritur, vel ira potius; nam si crimen est prohibere illum voluisse, non minus magnum est, vos Africam, omnium provinciarum arcem, natam ad bellum contra hanc urbem gerendum, obtinere voluisse, quàm aliquem se imperatorem esse maluisse. Atque is tamen aliquis Ligarius non fuit. Varus imperium se habere dicebat: fasces certe habebat. Sed quoquo modo se illud habeat, hæc querela vestra, Tubero, quid valet? recepti in provinciam non sumus: quid, si essetis? Cæsari-ne eam tradituri fuissetis, an contra Cæsarem retenturi? Vide quid licentiæ, Cæsar, nobis tua liberalitas det, vel potius audaciæ. Si responderit Tubero, Africam, quo Senatus eum sorsque miserat, tibi patrem suum tradituram fuisse: non dubitabo apud ipsum te, cujus id eum facere interfuit, gravissimis verbis ejus consilium reprehendere; non enim si tibi ea res grata fuisset, esset etiam probata. Sed jam hoc totum omitto, non tam ut ne offendam tuas [b] patientissimas aures, quàm ne Tubero, quod nunquam cogitavit facturus fuisse videatur. Veniebatis igitur in Africam provinciam, unam ex omnibus [c] huic victoriæ maximè infestam: in qua erat rex potentissimus, inimicus huic causæ, aliena voluntas, conventus firmi atque magni: quæro, quid facturi fuissetis? quanquam quid facturi fueritis non dubitem, cum videam

a *eadem.* b *attentissimas.* c *Cæsaris.*

12. *Domi unà eruditi.*] Tubero and Cicero were educated together in the same school in Rome.

13. *Contubernales.*] Vegetius tells us that the centuries were divided in such a manner that ten soldiers quartered under one pavilion, or tent, and had one set over them, who was called the *caput contubernii.* This circumstance gave rise to very intimate acquaintances among the soldiers. Cicero and Tubero had been *contubernales*, or tent-fellows, in the Marsic war, which is likewise called the Italic, and social war. In that war Cicero served under Cn. Pompeius Strabo, the father of Pompey the great.

Ib. *Pòst affines.*] The wife of Tubero is supposed to have been of the Tullian family.

16. *Sanctissimum nomen opponebant.*] He excuses Tubero, who was induced to engage in the cause of Pompey, under the persuasion that it was most for the interest of the republic.

22. *Arcem.*] Africa, on account of its situation, presented a very formidable barrier to the Romans when they began to extend their conquests. Convinced of this, as well as of the danger they were constantly exposed to from that quarter, it was determined by the senate that Carthage should be destroyed, which was accordingly done by Scipio Africanus. Carthage, in consequence of its strength, position, and proximity to Rome, is here called the fortress of the provinces.

27. *Cæsari-ne.*] Would you have delivered it up to Cæsar, or would you have kept possession of it in opposition to him? By this inquiry, Cicero tacitly intimates that Tubero had no just cause of complaint against Ligarius; and that it was not so much want of disposition, as want of opportunity, that prevented him from acting more efficiently in opposition to Cæsar.

37. *Rex potentissimus.*] Juba, king of Mauritania, who, during the civil wars, espoused the part of Pompey, and routed Curio and his army, whom Cæsar had sent into Africa.

38. *Conventus firmi atque magni.*] Great and powerful alliances. Alluding

quid feceritis. Prohibiti estis in provinciâ vestrâ pedem ponere; et prohibiti, ut perhibetis, summâ cum injuriâ: quomodo id tulistis? acceptæ injuriæ querelam ad quem detulistis? nempe ad eum, cujus auctoritatem secuti in societatem belli veneratis. Quòd si Cæsaris causâ in provinciam veniebatis, ad eum profectò exclusi provinciâ venissetis: venistis ad Pompeium; quæ est hæc ergo apud Cæsarem querela, cùm eum accusatis, à quo queramini vos prohibitos contra Cæsarem bellum gerere? Atque in hoc quidem vel cum mendacio, si vulits, gloriari per me licet, vos provinciam fuisse Cæsari tradituros, etiamsi à Varo et quibusdam aliis prohibiti essetis; ego autem confitebor, culpam esse Ligarii, qui vos tantæ laudis occasione privaverit. Sed vide, quæso, C. Cæsar, constantiam ornatissimi viri L. Tuberonis: quam ego, quamvis ipse probarem, ut probo, tamen non commemorarem, nisi à te cognovissem imprimis eam virtutem solere laudari. Quæ fuit igitur unquam in ullo homine tanta constantia? constantiam dico? nescio an melius patientiam possem dicere: quotus enim istud quisque fecisset, ut, à quibus partibus in dissensione civili non esset receptus, essetque etiam cum crudelitate ejectus, ad eas ipsas rediret? magni cujusdam animi, atque ejus viri est, quem de susceptâ causâ propositâque sententiâ nulla contumelia, nulla vis, nullum periculum posset depellere. Ut enim cætera paria Tuberoni cum Varo fuissent, honos, nobilitas, splendor, ingenium, quæ nequaquam fuerunt; hoc certe præcipuum Tuberonis fuit, quòd justo cum imperio ex S. C. in provinciam suam venerat; hinc prohibitus, non ad Cæsarem, ne iratus; non dumum, ne iners; non aliquam in regionem, ne condemnare causam illam, quam secutus esset, videretur: in Macedoniam ad Cn. Pompeii castra venit, in eam ipsam causam à quâ erat rejectus cum injuriâ. Quid? cùm ista res nihil commovisset [a] ejus animum, ad quem veneratis, languidiore, credo, studio in causâ fuistis: tantummodo in præsidiis eratis, animi vero à causâ abhorrebant. An, ut fit in civilibus bellis, nec in vobis magis, quàm in reliquis, omnes vincendi studio tenebamur? pacis equidem semper auctor fui; sed tum serò; erat enim amentis, cùm aciem videres, pacem cogitare. Omnes, inquam, vincere volebamus; tu certe præcipue, [b] qui in eum locum venisses, ubi tibi esset pereundum, nisi

a *Pompeii.* b *quoniam.*

to the confederacies that were formed to frustrate the designs of Cæsar in Africa.

42. *Nempe ad eum.*] Evidently intimating that it was the design of Tubero, had he succeeded, to deliver up Africa to Pompey.

63. *Justo cum imperio.*] The authority given by the senate was called legal or just.

64. *Ad Cæsarem.*] Tubero, after failing to effect a landing in Africa, went to the camp of Pompey in Macedonia. In this, as well as in what follows, Cicero seems to speak ironically of the conduct of Tubero.

71. *Pacis equidem semper auctor fui.*] An argument from the less to the greater. If Cicero, who was always opposed to the war, was in favour of an engagement, when an engagement appeared almost unavoidable, could Tubero have been opposed to it, who came to the camp with the express determination either to conquer or to die. That Cicero speaks the truth in relation to his own views of the war, admits of no dispute. Plutarch informs us, that he had often written to Cæsar with a view of making peace, but that in this, as well as in his intreaties with Pompey, he was unsuccessful; the minds of both were too much exasperated to terminate their differences in any other way than by the sword.

72. *Tum serò,*] It was too late to think

vicisses: quanquam, ut nunc se res habet, non dubito quin hanc salutem anteponas illi victoriæ. Hæc ego non dicerem, Tubero, si aut vos constantiæ vestræ, aut Cæsarem beneficii sui pœniteret. Nunc quæro, utrum vestras injurias, an reipublicæ persequamini: si reipublicæ; quid de vestrâ in eâ causâ perseverantiâ respondebitis? si vestras: videte ne erretis, qui Cæsarem vestris inimicis iratum fore putetis, cum ignoverit suis. Itaque num tibi videor, Cæsar, in causâ Ligarii [a] occupatus esse? num de ejus facto dicere? quicquid dixi, ad unam [b] summam referri volo, vel humanitatis, vel clementiæ, vel misericordiæ tuæ. Causas, Cæsar, egi multas et quidem tecum, dum te in foro tenuit ratio honorum tuorum: certe nunquam hoc modo: *Ignoscite, Judices: erravit: lapsus est: non putavit: si unquam posthac:* ad parentem sic agi solet; ad judices, *Non fecit, non cogitavit, falsi testes, fictum crimen.* Dic te, Cæsar, de facto Ligarii judicem esse: quibus in præsidiis fuerit, quære; taceo: ne hæc quidem colligo, quæ fortasse valerent etiam apud judicem: legatus ante bellum profectus, relictus in pace, bello oppressus, in eo non acerbus: tum etiam fuit totus animo et studio tuus. Ad judicem sic agi solet; sed ego ad parentem loquor, Erravi; temerè feci, pœnitet: ad clementiam tuam confugio: delicti veniam peto: ut ignoscas oro; si nemo impetravit, arroganter; si plurimi, tu idem fer opem, qui spem dedisti.

PERORATIO.

Tota hæc Peroratio in comparanda Cæsaris clementia posita est.

VI. An sperandi Ligario causa non sit, cum mihi apud te sit [c] locus etiam pro altero deprecandi? Quanquam neque in hac oratione spes est posita causæ, nec in eorum studiis, qui à te pro Ligario petunt, tui necessarii. Vidi enim et cognovi, quid maximè spectares,

a *laborare.* b *caput.* c *facultas.*

of peace when the army was set in array.

75. *Hanc salutem.*] Alluding to the safety he now enjoyed through the clemency of Cæsar.

78. *Vestras injurias.*] By making this inquiry, Cicero intimates that Tubero was actuated more by private resentment against Ligarius, for prohibiting his landing, than by any other motive.

79. *In eâ causâ perseverantiâ.*] Tubero remained constant to the cause of Pompey till after his entire defeat.

82. *De ejus facto.*] The deed of Ligarius, on account of which he was accused before Cæsar, namely, his being in Africa.

84. *Causas, Cæsar, egi,* &c.] Before Cæsar was made Prætor, he was frequently engaged as a speaker in the forum. Cicero ranks him amongst the greatest orators in Rome. He is said to have published several orations, that were much admired for two excellencies that are seldom found together, strength and elegance. Quintilian says of him, that he spoke with the same force with which he fought, and that if he had devoted himself to the bar, he would have been the only man capable of rivaling Cicero.

Ib. *Dum te in foro.*] The forum was the place where the assemblies of the people were held, where public orations were delivered, and judicial proceedings were usually carried on. Here those who aspired after public dignities, laid the foundation of their future eminence. They generally, in the first instance, applied themselves to pleading of causes, and the defence of the innocent in distress, as the surest way to popularity, as well as a subsequent power and influence in the state. Cæsar is said to have practised in this way, from the twenty-first to the thirty-ninth year of his age.

1. *Cum mihi.*] It was more difficult for Cicero, who had followed Pompey, to intercede for another who had been engaged in the same cause, than to hope for pardon for him through the clemency of Cæsar.

cùm pro alicujus salute multi [d] laborarent: causas apud te rogantium gratiosiores esse, quàm preces: neque te spectare, quàm tuus esset necessarius is qui te oraret; sed quàm illius, pro quo laboraret. Itaque tribuis tu quidem tuis ita multa, ut mihi beatiores illi esse videantur interdum, qui tuâ liberalitate fruuntur, quàm tu ipse, qui illis tam multa concedis. Sed video tamen apud te causas, ut dixi, rogantium valere plus, quàm preces; ab iisque te moveri maximè, quorum justissimum dolorem videas in petendo. In Q. Ligario conservando multis tu quidem gratum facies necessariis tuis: sed hoc, quæso, considera, quod soles. Possum fortissimos viros, Sabinos, tibi probatissimos, totùmque agrum Sabinum, florem Italiæ, robur reipublicæ proponere; nôsti optimè homines; animadverte horum omnium mœstitiam et dolorem; hujus T. Brocchi, de quo non dubito quid existimes, lacrymas squaloremque ipsius, et filii vides. Quid de fratribus dicam? noli, Cæsar, putare, de unius [b] capite nos agere; aut tres tibi Ligarii in civitate retinendi sunt, aut tres ex civitate exterminandi; quodvis exilium his est optatius, quàm patria, quàm domus, quàm Dii Penates, uno illo exulante. Si fraterne, si piè, si cum dolore faciunt, moveant te horum lacrymæ, moveat pietas, moveat germanitas: valeat tua vox illa, quæ vicit; te enim dicere audiebamus, nos omnes adversarios putare, nisi qui nobiscum essent; te omnes, qui contra te non essent, tuos. Vides-ne igitur hunc splendorem, omnem hanc Brocchorum domum, hunc L. Marcium, C. Cæsetium, L. Corfidium, hosce omnes equites Rom. qui adsunt veste mutatâ, non solum notos tibi, verum etiam probatos viros, tecum fuisse? Atque his [maxime] irascebamur, et hos [c] requirebamus, et his nonnulli etiam minabantur. Conserva igitur tuis suos; ut, quemadmodum cætera quæ dicta sunt à te, sic hoc verissimum reperiatur. Quod si penitus perspicere posses concordiam Ligariorum, omnes fratres tecum judicares fuisse. An potest quisquam dubitare, quin, si Q. Ligarius in Italia esse potuisset, in eâdem sententiâ futurus fuisset, in quâ fratres fuerunt? quis est, qui horum consensum conspirantem, et penè conflatum, in

a *soliciti essent.* b *salute.* c *desiderabamus.*

7. *Itaque tribuis.*] This passage, some have thought a little obscure, and in order to find a connexion between it and the preceding sentence, propose to read *etsi* instead of *itaque;* no authority, however, has yet been advanced for the amendment, the reader must, therefore, judge for himself, and render it in whatever way he may think the most satisfactory.

27. *L. Corfidium.*] Cicero acknowledges himself mistaken in regard to Corfidius, *Epis.* 42. *lib.* 73. *ad. Att. Brutus mihi T. Ligarii verbis nunciavit, quod appelletur L. Corfidius in oratione Ligurianâ erratum esse meum, sed, ut aiunt,* μνημονικον ἁμαρτημα. *Sciebam Corfidium pernecessarium Ligariorum: sed eum video ante esse mortuum. Da igitur, quæso, negotium Pharnaci, Antæo, Salvio, ut id nomen ex omnibus libris tollatur.*

28. *Adsunt veste mutatâ.*] In cases of prosecution, it was customary, not only for the defendants themselves, but also their friends and neighbours, to assume habits of mourning.

29. *Tecum fuisse.*] From what goes before, as well as from what follows, it appears evident that Cicero does not speak of those who followed Cæsar to the war, but of those who stayed at home, and joined neither party, whom Cæsar now considered as his friends.

32. *Hoc verissimum.*] Cæsar had said, that he would consider all his friends who had not taken up arms against him. Ligarius was one of this class, therefore he ought to be protected.

33. *Omnes fratres tecum.*] The two brothers of Ligarius followed Cæsar. He alone was in Africa, who, if he had been at Rome, would have espoused the same cause.

36. *Conspirantem, et pene conflatum.*] A metaphor taken from the winds.

hâc prope æqualitate fraternâ non noverit? qui hoc non sentiat, quidvis prius futurum fuisse, quàm ut hi fratres diversas sententias fortunasque sequerentur? Voluntate igitur omnes tecum fuerunt: tempestate [a] abreptus est unus; qui si consilio id fecisset, esset eorum similis, quos tu tamen salvos esse voluisti. Sed ierit ad bellum: dissenserit non à te solum, verum etiam à fratribus: hi te orant tui. Equidem cum tuis omnibus negotiis interessem, memoriâ teneo, qualis tum T. Ligarius Quæstor urbanus fuerit erga te et dignitatem tuam: sed parum est me hoc miminisse; spero etiam te, qui oblivisci nihil soles, nisi injurias, quoniam [b] hoc est animi, quoniam etiam ingenii tui, te aliqud de hujus Quæstoris officio cogitantem, etiam de aliis quibusdam Quæstoribus reminiscentem recordari. Hic igitur T. Ligarius, qui tum nihil egit aliud (neque enim hæc divinabat) nisi ut tu eum tui studiosum, et bonum virum judicares, nunc à te supplex fratris salutem petit: quam hujus admonitus officio cum utrisque his dederis, tres fratres optimos et integerrimos, non solum sibi ipsos, neque his tot ac talibus viris, neque nobis necessariis suis, sed etiam reipublicæ condonaveris. Fac igitur, quod de homine nobilissimo et clarissimo M. Marcello restituto fecisti nuper in curiâ, nunc idem in foro de optimis, et huic omni frequentiæ probatissimis fratribus; ut concessisti illum Senatui, sic da hunc populo, cujus voluntatem carissimam semper habuisti: et si ille dies tibi gloriosissimus, populo Romano gratissimus fuit; noli, obsecro, dubitare, C. Cæsar, similem illi gloriæ laudem quàm sæpissimè quærere; nihil est enim tam populare quàm bonitas; nulla de virtutibus tuis plurimis nec gratior, nec admirabilior misericordiâ est; homines enim ad deos nullâ re propius accedunt, quam salutem hominibus dando: nihil habet nec fortuna tua majus, quâm ut possis; nec natura tua melius, quâm ut velis, cunservare quamplurimos. Longiorem orationem causa forsitan postulat, tua certè natura breviorem. Quare, cum utilius esse arbitrer te ipsum, quàm me, aut quenquam loqui tecum, finem jam faciam: tantum te ipsum admonebo, si illi absenti salutem dederis, præsentibus his omnibus te daturum.

a *divisus.* b *ex hoc animo.*

55. *M. Marcello.*] Cæsar spared M. Marcellus, though he had been very hostile to him, though of this hostility he had openly complained in the senate.

57. *Sic da hunc populo.*] Ligarius was a man of distinguished zeal for the liberty of his country. After his return, he lived in great intimacy with Brutus who found him a fit person to engage in the conspiracy against Cæsar. Near the time, however, of its execution, he happened to be taken ill; and when Brutus in a visit to him began to lament that he was fallen sick in a very unlucky hour, Ligarius, as Plutarch narrates, raising himself upon his elbow, and taking Brutus by the hand, replied, 'Yet still, Brutus, if you mean to do any thing worthy of yourself, I am well. Nor did he disappoint Brutus's opinion of him, for we find him afterwards in the list of the conspirators.

IN

M. ANTONIUM

PHILIPPICARUM.

LIBER I.

SEU

PHILIPPICA PRIMA.

After the death of Cæsar, Mark Antony determined to place himself at the head of the Roman government. To obtain this object, he had recourse to all the arts of duplicity and address; nor was it till by an abuse of the law, which he had prevailed on the senate to pass for the confirmation of all the acts of Cæsar, that his motives were discovered. Having these acts in his possession, and his Secretary, Faberius, by whom they were written, at his command, it was soon found that he would be unprincipled enough to insert, or alter whatever he found to be most for his interest. While matters were in this situation, Cicero resolved to visit Greece, in order to spend some time at Athens with his son. Despairing of peace during the consulship of Antony and Dolabella, he determined to be absent from the city till their successors Pansa and Hirtius should come into office. He, accordingly, set sail for Greece, but was driven back by contrary winds to Leucopetra, a promontory near Rhegium. During his stay with his friend Valerius in that neighbourhood, the inhabitants who came to visit, him brought the new of an unexpected turn of affairs toward a general pacification at Rome. He immediately relinquished all thoughts of pursuing his voyage, and determined to return to Rome, where he arrived on the last of August. The senate met the next morning, to which he was particularly summoned by Antony, but excused himself on account of the fatigue of his journey. Antony took this as an affront, and, in great rage, threatened openly in the senate, to order his house to be pulled down if he did not come immediately; till by the interposition of the assembly he was dissuaded from using any violence. The business of the day was to decree some extraordinary honours to the memory of Cæsar, with a religious supplication to him, as to a divinity. Cicero was determined not to concur in it; yet knew that an opposition would not only be fruitless, but dangerous. Antony, was desirous to have him there, expecting that he would either be frightened into a compliance, which would lessen his influence with his own party, or, by opposing what was intended, make himself odious to the soldiery; but as he was absent, the decree passed without any contradiction. The senate met again the next day, when Antony thought fit to absent himself, and leave the stage clear to Cicero; who, accordingly, appeared and delivered this speech, being the first of those which, in imitation of Demosthenes, were called afterwards his *Philippics*. A. U. C. 709. *Anno Cicceronis* 63.

PRIMA PARS.

In quâ I. *Exponit causas suæ profectionis.*
II. *Exponit causas reversionis.*
III. *Queritur de Antonio.*

I. ANTEQUAM de republicâ, Patres Conscripti, dicam ea quæ dicenda hoc tempore arbitror, exponam vobis breviter consilium et profectionis, et reversionis meæ. Ego cum sperarem

[a]aliquando ad vestrum consilium auctoritatemque rempublicam esse revocatam, manendum mihi statuebam, quasi in vigilia quadam Consulari ac Senatoria; nec vero usquam discedebam, nec à republica dejiciebam oculos, ex eo die, quo in Ædem Telluris convocati sumus; in quo templo, quantum in me fuit, jeci fundamenta pacis: Atheniensiumque renovavi vetus exemplum: Græcum etiam verbum usurpavi, quo tum in sedandis discordiis usa erat civitas illa; atque omnem memoriam discordiarum oblivione sempiterna delendam censui. Præclara tum oratio M. Antonii; egregia etiam voluntas; pax denique per eum et per liberos ejus cum præstantissimis civibus confirmata est. Atque his principiis reliqua consentiebant; ad deliberationes eas, quas habebat domi de republica, principes civitatis adhibebat: ad hunc ordinem res optimas deferebat; summa cum dignitate et con-

a *tandem.*

NOTES.

4. *Ad vestrum consilium.*] Cæsar's death seemed the most likely means of restoring that authority to the senate, which his ambition, while alive, had deprived them of, but by the artifice of Antony, and the superior good fortune of Octavius, this great object was defeated, to which perhaps the inactivity of the conspirators, as their first setting out did not a little contribute.

5. *In vigilia Consulari ac Senitoria.*] A consular and senatorial watch. Cicero was both consul and senator, whose business, in particular, was, to watch over the republic.

6. *Usquam.*] Intimating that he had guarded so closely, as on no occasion to have deserted his post, or withdrawn his attention from the concerns of the republic.

7. *Ex eo die.*] Two days having been spent after Cæsar's death in mutual assurances of concord and amity, betwixt the conspirators on the one hand, and Antony on the other, on the third, the senate was convened by the latter in the temple of Tullus, in order to adjust the conditions of their agreement, and confirm them there by some solemn act. This temple seems to have been particularly chosen for that purpose, on account of its proximity to the capitol, whither Brutus and his party had fled for refuge.

8. *Atheniensum.*] The Athenians, after the expulsion of the thirty tyrants, which the Macedonians had set over them, by Thrasybulus, passed a law containing an act of oblivion for all past injuries.

9. *Verbum usurpavi.*] Namely, *αμνηςιαν*, amnesty or act of oblivion.

11. *Delendam censui.*] Dio informs us that the senate was moved by Cicero, to pass a decree, that all former injuries should be entirely forgotten.

13. *Per liberos ejus.*] The plural is here probably used for the singular. When the murderers of Cæsar had taken refuge in the capitol, Antony, thinking it the most likely way to effect his purposes, moved that the conspirators should be invited to take part in the public deliberations, and sent his son to the capitol as a hostage for their safety; upon which they all came down, and on the same evening Brutus supped with Lepidus, Cassius with Antony, and the rest with different ones of Antony's friends. The day ended in universal joy, and the citizens imagined that their liberty was now crowned with peace. On the next day the senate decreed to Brutus the province of Crete; to Cassius, Africa; to Tuberius, Asia; to Cimbrus, Bythinia; to D. Brutus, Citerior Gaul. On the pretence of public concord, however, there were several things artfully proposed by Antony, and carried, of which he afterwards made a most pernicious use; particularly a decree for the confirmation of all Cæsar's acts. He soon let the people see for what end he had passed this decree, to which the senate consented, for the sake of peace; for, being master of both Cæsar's papers, and of his secretary, Faberius, by whose hand they were written, he had an opportunity of forging and inserting at pleasure whatever he found to answer his purposes, which he practised without any reserve or management; selling publicly whatever immunities were desired by countries, cities, provinces or private men, on pretence that they had been granted by Cæsar, and entered on his registers. In this way, the eyes of the conspirators were opened, and Antony soon convinced them, that nothing was to be expected either from himself, or from the senate, which was under his influence.

16. *Ad hunc ordinem.*] The senatorian

stantia ad ea, quæ quæsita erant, respondebat: nihil tum, nisi quod erat notum omnibus, in C. Cæsaris commentariis reperiebatur. Num qui exules restituti? unum aiebat, præterea neminem. Num immunitates datæ? nullæ, respondebat. Assentiri enim nos Ser. Sulpicio, clarissimo viro, voluit, ne qua tabula, post Idus Martias, ullius decreti Cæsaris, aut beneficii, figeretur. Multa prætereo, eaque præclara: ad singulare enim M. Antonii factum festinat oratio. Dictaturam, quæ vim jam regiæ potestatis [a] obsederat, funditùs ex republica sustulit, de qua ne sententias quidem diximus; scriptum Senatus-consultum, quod fieri vellet, attulit; quo recitato, auctoritatem ejus summo studio secuti sumus, eique amplissimis verbis per Senatus-consultum gratias egimus. [b] Lux quædam videbatur oblata, non modò regno, quod pertuleramus, sed [c] etiam regni timore sublato; magnumque pignus ab eo reipublicæ datum, se liberam civitatem esse velle, cùm Dictatoris nomen, quod sæpe justum fuisset, propter perpetuæ Dictaturæ recentem memoriam funditùs ex republica sustulisset. Liberatus cædis periculo paucis post diebus Senatus videbatur; uncus inpactus est fugitivo illi, qui in C. Marii nomen invaserat. Atque hæc

a *obtinuerat.* b *felicitas.* c *sublatâ potestate regiâ.*

order, to which all important matters were referred.

18. *Cæsaris commentariis.*] The register or records of Cæsar.

19. *Unum aiebat.*] Who this exile was, that was restored, is uncertain. Some suppose him to have been Sextus Clodius, the son of P. Clodius, a man very hostile to Cicero. This opinion is founded on what Antony once said in an epistle he wrote to Cicero. See *lib.* 14. *ad. Att.*

Ib. *Immunitates datæ.*] Probably freedom from tribute.

20. *Ser. Sulpicio.*] Ser. Sulpicius was a lawyer, eminent for his eloquence and knowledge of law.

21. *Ne qua tabula.*] The tables containing the decrees, laws, grants, &c. were generally hung up in the capitol, to the walls and columns, for the public inspection, amongst which were tables containing immunities to states and individuals, that had been friendly to Cæsar, Ser. Sulpicius obtained a decree of the senate, that after the ides of March, no more such tables should be posted up.

23. *Dictaturum.*] The dictator was so called, because, as the name indicates, he was appointed by the consul, (*quod a consule dicebatur;*) sometimes, also dictators were nominated by the people. Sylla, as Livy observes, *lib.* 27. was on certain occasions appointed dictator, by the interrex, and by Valerius Flaccus, and ultimately by the senate, as Appian informs us, *lib.* 1. *bell. civil.* Julius Cæsar was created dictator in the same way, as Plutarch mentions in his life. Dictators were usually appointed in time of war, or when violent dissensions in the state, seemed to require some extraordinary measures for their suppression. When they were created, all the other magistrates, except the tribunes, were required to lay down their authority. The usual term of this office did not extend beyond six months; their power was greater than that of the consuls, and from their decision there was no appeal. Sylla, first, and after him Cæsar usurped the office of perpetual dictator to themselves. After the murder of Cæsar, Antony, to ingratiate himself with the senate and people, drew up a decree to abolish for ever the office and name of dictator. The senate passed it, as it were by acclamation, without putting it even to vote, and decreed the thanks of the house for it to Antony, who, as Cicero afterwards told him, had fixed an indelible infamy by it on Cæsar, in declaring to the world that for the odium of his government, such a decree was alike necessary and popular.

28. *Non modo regno.*] The perpetual dictatorship, which Cæsar had assumed.

31. *Sæpe justum fuisset.*] The office of the dictator was called just, when it was legally granted by the consul, people, or senate, and relinquished at the end of six months.

32. *Liberatus cædis periculo,* &c.] Who this fugitive was, is not known. Cicero represents him as pretending that his name was C. Marius; some call him Chamaces, others again Heraphilus; Appian calls him Amatius. He had signalized himself as the chief incendiary at Cæsar's funeral, and the subsequent riots; and thus having served Antony's ends, in driving Brutus and his party out of the city, was afterwards seized and strangled, by his order,

omnia communiter cum collega; alia porro propria Dolabellæ: quæ, nisi collega abfuisset, credo eis fuisse futura communia. Nam cùm serperet in urbe infinitum [a] malum, idque manaret in dies latiùs; iidemque bustum in foro facerent, qui illam insepultam sepulturam effecerant; et quotidie magis magisque perditi homines, cùm sui similibus servis, tectis ac templis urbis minarentur: talis animadversio fuit Dolabellæ, cùm in audaces sceleratosque servos, tum in impuros et nefarios liberos; talisque eversio illius execratæ columnæ, ut mirum mihi videatur, tam valde reliquum tempus ab uno illo die dissensisse. Ecce enim Kalend Juniis, quibus ut adessemus edixerat, mutata omnia: nihil per Senatum, multa et magna per seipsum, et absente populo et invito. Consules designati se audere negabant in Senatum venire: patriæ liberatores urbe carebant ea, cujus à cervicibus jugum servile dejecerant: quos tamen ipsi Consules et in concionibus et in omni sermone laudabant. Veterani, qui appellabantur, quibus hic ordo diligentissimè caverat, non ad conservationem earum rerum, quas habebant, sed ad spem novarum prædarum incitabantur. Quæ cùm audire mallem, quàm videre, haberemque jus legationis liberum, ea

[a] *seditio domestica.*

his body was then dragged by a hook to the Scalæ Gemonianæ or Tarpeian rock, and there cast into the Tiber.

37. *Iidem bustum.*] Bustum properly signifies a place where dead bodies were burnt; but it is here taken for the monument that was erected to Cæsar in the forum.

38. *Insepultam sepulturam.*] Unfinished obsequies, so called because the funeral rites were not regularly performed.

40. *Talis animadversio fuit Dolabellæ &c.*] The mob, urged on by the influence of the imposter Marius, mentioned above, as well as by the other agents of Antony, idolized the memory of Cæsar. For this purpose they erected a pillar twenty feet high in the forum, and inscribed it PARENTI PATRIA, they performed sacrifices upon it, made vows before it, and decided certain law suits by one of the parties swearing by the name of Cæsar. Dolabella, who was then Antony's colleague in the consulship, razed this pillar to the ground, the slaves who had been instrumental in rearing and worshipping it, he crucified, and the citizens he threw from the Tarpeian rock. Antony was absent from Rome when this pillar was thrown down.

46. *Consules designati.*] The consuls elect were Hirtius and Pansa, whose term of office was to commence on the first day of the ensuing January.

48. *Ipsi Consules.*] Antony and Dolabella carried their duplicity so far, that privately they sought to put to death those who in public they applauded as the deliverers of their country.

49. *Veterani.*] When Antony had put his affairs into the best train he could, and appointed the first of June for a meeting of the senate, he went through Italy in order to gather up Cæsar's old soldiers from the several colonies and quarters in which they were settled. By bribes and promises he attached them to his interests, and drew great bodies of them towards Rome, to be ready for any purpose that his affairs should require. The name veteran was given to those who had served twenty years in the Roman army, who, when they were disbanded, were sent into the colonies, where land was divided out to them for their future support.

Ib. *Quibus hic ordo.*] The senate had taken care that nothing should be wanting to the comfort and convenience of the veteran soldiers, particularly those who had served under Cæsar.

52. *Legationis liberum.*] The *legatio libera* was an honorary legation or embassy, granted arbitrarily by the senate to any of its members, when they travelled abroad on private business, in order to give them a public character, and a right to be treated as ambassadors or magistrates of Rome. But their insolence from this privilege soon became very burdensome to the cities through which they passed. Cicero during his consulship designed to abolish it; but, being driven from it by one of the tribunes, he could do no more than limit the continuance of it to one year; before it was not limited. When Cicero had resolved to prosecute his voyage to Greece, on the present occasion, he wrote to Dolabella, to procure

mente discessi, ut adessem Kalend. Januariis, quod initium Senatus cogendi fore videbatur.

II. Exposui, P. C. profectionis consilium; nunc reversionis, quæ plus admirationis habet, breviter exponam. Cùm Brundusium, iterque illud, quod tritum in Græciam est, non sine causa vitavissem, Kalend. Sextilibus veni Syracusas, quod ab urbe ea [a] transmissio in Græciam laudabatur; quæ tamen urbs mihi conjunctissima, plus unâ me nocte cupiens retinere, non potuit; veritus sum, ne meus repentinus ad meos necessarios adventus suspicionis aliquid afferret, si essem commoratus. Cùm autem me ex Sicilia ad Leucopetram, quod est promontorium agri Rhegini, venti detulissent, ab eo loco conscendi, ut [b] transmitterem; nec ita multùm provectus, rejectus austro sum in eum ipsum locum, unde conscenderam; cumque intempesta nox esset, mansissemque in villa P. Valerii comitis et familiaris mei, postridieque apud eundem, ventum expectâns, manerem, municipes Rhegini complures ad me venerunt, ex his quidam Roma recentes: à quibus primum accipio M. Antonii concionem: quæ ita mihi placuit, ut ea lecta de reversione primum cœperim cogitare: nec ita multo post, edictum Bruti adfertur et Cassii; quod quidem mihi, fortasse quod eos etiam plus reipublicæ quàm familiaritatis gratiâ diligo, plenum æquitatis videbatur. Addebant præterea (fit enim plerumque ut ii, qui

a *trajectio.* b *trajicerem.*

him the grant of an honorary legation; and, lest Antony should think himself slighted, he wrote to him too, on the same subject. Dolabella immediately named him for one of his own lieutenants, which answered his purpose still better; for, without obliging him to any service, or limiting him to any time, it left him at full liberty go wherever he pleased.

53. *Ut adessem Kal. Jan.*] It was Cicero's intention to return on the first of January, in order to be present when Hirtius and Pansa, the consuls elect, would enter upon the duties of their office; which was to take place on that day, and which, as was expected, was to be the first day of the senate's meeting.

2. *Brundusium.*] Brundusium was a city of Calabria, famous for its harbour. Here the Romans usually set sail when going to Greece, and, in returning, usually landed at the same place.

3. *Non sine causa.*] It appears from Cicero's letters to Atticus, that Antony had some legions at Brundusium; and, it is here insinuated, that, having heard of his intention to travel into Greece, they had formed a design of way-laying him.

Ib. *Kal. Sextilibus.*] The first of August.

4. *Syracusas.*] Syracuse, a city of Sicily, built and inhabited by a colony from Corinth, about 700 hundred years before the Christian era. Its founder's name was Archias.

5. *Conjunctissima*] When Cicero was quæstor in Sicily, he so ingratiated himself with the Sicilians, by his integrity and moderation, that they were afterwards anxious to have him as their patron and defender at Rome. See oration against Q. Cæcilius.

8. *Leucopetram.*] So called from the whiteness of its rocks.

13. *Municipes.*] The municipal towns were such as enjoyed, either in whole or in part, the privileges and immunities of the city of Rome, but were governed by their own laws; the inhabitants were called municipes, and may be considered as honorary citizens of Rome.

15. *Antonii concionem.*] Antony delivered an oration in the senate in favour of Sextus Pompey, the son of Pompey the great, who, at that time, was carrying on a war with Cæsar's legates in Spain; in which he gave it as his opinion, that he ought to be recalled; that in consideration of his father's property, which had been laid up in the temple of Ops for the use of the public, he ought to be suitably compensated; and that he ought, also, to be appointed to the naval command. Such is the opinion of some, but by what authority it is supported we are not informed; it is very probable, however, that he took occasion to speak in favour of the republic, and to advance, from interest, those opinions that appeared most likely to accomplish his designs.

17. *Edictum Bruti et Cassii.*] This re-

boni quid volunt adferre, affingant aliquid, quo faciant id, quod, nunciant, lætius) rem conventuram: Kalend. Sextilibus Senatum frequentem fore: Antonium, repudiatis malis suasoribus, remissis Galliis provinciis, ad auctoritatem Senatûs esse rediturum. Tum vero tanta sum cupiditate incensus ad reditum, ut mihi nulli, neque remi, neque venti satisfacerent: non quo me ad tempus occursurum putarem, sed ne tardius, quàm cuperem, reipublicæ gratularer. Atque ego celeriter Veliam devectus Brutum vidi, quanto meo dolore, non dico; turpe mihi ipsi videbatur, in eam urbem me audere reverti, ex qua Brutus cederet: et ibi velle tutò esse, ubi ille non posset. Neque vero illum, similiter atque ipse eram, commotum esse vidi; erectus enim maximi ac pulcherrimi facti sui conscientia, nihil de suo casu, multa de nostro querebatur; ex quo primùm cognovi, quæ Kalend. Sextilibus in Senatu fuisset L. Pisonis oratio: qui quanquam parum erat (id enim ipsum à Bruto audieram) à quibus debuerat, adjutus; tamen et Bruti testimonio (quo quid potest esse gravius?) et omnium prædicatione, quos postea vidi, magnam mihi videbatur gloriam consecutus. Hunc igitur ut sequerer, properavi, quem præsentes non sunt secuti: non ut proficerem aliquid (neque enim sperabam id, neque præstare poteram,) sed ut, si [a] quid mihi humanitùs accidisset (multa autem impendere videbantur præter naturam, præterque fatum) hujus tamen diei vocem hanc testem reipublicæ relinquerem meæ perpetuæ erga se voluntatis.

III. Quoniam [b] utriusque consilii causam, Patres Conscripti, probatam vobis esse confido, priùs quàm de republica dicere incipio, pau-

a *si mors.* b *profectionis et reversionis.*

lates to an edict drawn up by Brutus and Cassius, in answer to one published before by Antony, charging them with acting in opposition to the public welfare. The amount of this edict was, that no one under twenty years of age should be set over a province.

21. *Rem conventuram.*] That the matter would be made up, in consequence of a reconciliation that was about to take place between the different parties.

22. *Malis suasoribus.*] Such as Capho, Saxa, Mustella, and Tamisius.

Ib. *Remissis Galliis.*] In the divison of the provinces, Cisalpine Gaul fell to D. Brutus, and Transalpine Gaul to Plancus. Antony, as Appian informs us, *lib.* 2. *bel. civ.* wished to obtain Cisalpine Gaul instead of Macedonia, that had fallen to himself. But the senate, of which body the request had been made, suspecting that there was some fraud in the business, wrote to D. Brutus to retain the province. Antony, probably under the persuasion that his attempts would be fruitless, withdrew his request.

26. *Veliam.*] Velia was a seaport of Lucania, built on the gulf Pæstanus. The Greeks call it Helia, because it was situated on marshy ground; hither Brutus had retreated, for safety, from Rome.

31. *Pulcherrimi facti sui conscientia.*] Alluding to the part Brutus had taken in the assassination of Cæsar, and in restoring liberty to Rome.

33. *L. Pisonis oratio.*] L. Piso was father-in-law to Cæsar, and had signalized himself by a vigorous speech in the senate, on the first of August in favour of the public liberty. His opinion was, that the supreme authority ought to be in the senate, that liberty ought to be defended, that Antony ought to be opposed and tha Cn. Octavius ought to be supported.

40. *Præter naturam, præterque fatum.*] As the commentary of Abramius may throw some light on this passage, we shall here give a short abstract of it. "That death," says he, speaking of the different points of view under which the dissolution of the body may be considered, "that death, which is brought about by the decay of the vital principles, may be considered as acoording to both nature and fate; that which is the effct of casualties, or accident, as contrary to nature, but according to fate; that which a man brings upon himself without the agency of external causes operating on him independently of his own will, as when a man takes away his own life, as contrary both to nature and fate. Under this latter class, may be comprehended murder of every kind, as it is always a premeditated act."

ca querar de hesternâ M. Antonii injuriâ, cui sum amicus: idque me nonnullo ejus officio debere esse, præ me semper tuli. Quid tandem erat causæ, cur in Senatum hesterno die tam acerbè cogerer? solusne aberam? an non sæpe minus frequentes fuistis? an ea res agebatur, ut etiam ægrotos deferri oporteret? Hannibal, credo, erat ad portas, aut de Pyrrhi pace agebatur: ad quam causam etiam Appium illum et cæcum et senem delatum esse, memoriæ proditum est. De supplicationibus referebatur: quo in genere Senatores deesse non solent; coguntur enim non pignoribus, sed eorum, quorum de honore agitur, [a] gratiâ: quod idem fit, cum de triumpho refertur; ita sine cura Consules sunt, ut penè liberum sit Senatori non adesse; qui cum mihi mos notus esset, cumque de via [b] languerem, et mihimet displicerem, misi pro amicitia, qui hoc ei diceret. At ille, vobis audientibus, cum fabris se domum meam venturum esse dixit; nimis iracundè hoc quidem, et valdè intemperanter; cujus enim maleficii tanta ista pœna est, ut dicere in hoc ordine auderet, se publicis [c] operis disturbaturum publicè ex Senatûs sententia ædificatam domum? quis au-

a *causa.* b *fessus essem.* c *fabris*

3. *Hesternâ Antonii injuriâ.*] It must be recollected, that Cicero prosecuted his intended voyage to Greece no farther than to Leucopetra. Whilst he staid in that place, with his friend P. Valerius, waiting for a favourable wind, he heard the news of an unexpected turn of affairs at Rome, toward a general pacification. Dropping all thoughts of his voyage, he immediately determined to return to Rome, where he arrived on the last of August. The senate met the next morning, to which he was particularly summoned by Antony; but, excusing himself by a civil message, as being too much indisposed by the fatigue of his journey, he did not attend. Antony took this as an affront, and, in great rage, threatened openly in the senate, to order his house to be pulled down, and to drag him by violence, if he did not come immediately; by the interposition of the assembly, however, he was dissuaded from using violence. The business of the day was to decree some extraordinary honours to Cæsar, with a supplication to him as to a deity. In this Cicero was determined not to concur, but knowing that opposition would be fruitless, stayed away. The decree passed without opposition. Antony's object in sending for him, was either to frighten him into compliance, in order to lessen his influence with his own party, or, by making him oppose his measures, to render him odious to the soldiers.

4. *Nonnullo ejus officio.*] After the battle of Pharsalia, Antony was sent by Cæsar to Brundusium to intercept the friends of Pompey on their return to Italy. Cicero was amongst the number, and here acknowledges himself to be under no small obligation to Antony for sparing his life on that occasion.

7. *Hannibal, credo.*] He ridicules the conduct of Antony, by ironically alluding to the consternation at Rome, when Hannibal, after the battle of Cannæ, pitched his camp three miles from the city, rode around it, and by way of menace, threw a dart within its walls.

8. *Pyrrhi pace.*] He alludes, in the same ironical way, to the time when the Romans were about to make peace with Pyrrus king of the Epiri. Pyrrus had been called by the Tarentini to aid them in their wars with the Romans. He advanced so near as to pitch his camp within twenty miles of Rome. When the parties came to treat of peace, Appius Claudius, now blind with age, was carried on a couch to the senate, in order to prevent a peace on terms so disgraceful to the Romans. Though some of the senators had manifested a strong inclination to enter into a treaty, his influence was such that they unanimously passed a decree to dismiss the ambassadors with this answer; that the Romans would enter into no treaty with king Pyrrus, so long as he continued in Italy; but with all their strength would prosecute the war against him, though he should vanquish a thousand Lavinius'.

11. *Non pignoribus.*] In the later times of the republic, the usual way of calling the senate was by an edict published several days previous, specifying the time and place of meeting. If any senator refused, or neglected to obey the summons, the consul could oblige him to give security for the payment of a fine, if his reasons for absence were not sustained.

19. *Ex senatûs sententia ædificatam.*]

tem unquam tanto damno Senatorem coegit? aut quid est ultra pignus, aut mulctam? qui si scisset, quam sententiam dicturus essem, remisisset aliquid profectò de severitate cogendi. An me censetis, P. C. quod vos inviti secuti estis, decreturum fuisse, ut parentalia cum supplicationibus miscerentur? ut inexpiabiles religiones in rempublicam inducerentur; ut decernerentur supplicationes mortuo? Nihil dico cui: fuerit ille L. Brutus, qui et ipse regio dominatu rempublicam liberavit, et ad similem virtutem, et simile factum, stirpem jam propè in quingentesimum annum propagavit: adduci tamen non possem, ut quenquam mortuum conjungerem cum deorum immortalium religione; ut, cujus sepulchrum nusquam extet, ubi parentetur, ei publicè supplicetur. Ego vero eam sententiam dixissem, Patres Conscripti, ut me adversus populum Romanum, si quis accidisset gravior reipublicæ casus, si bellum, si [a] morbus, si fames, facilè possem defendere; quæ partim jam sunt, partim timeo ne impendeant. Sed hoc ignoscant dii immortales, [b] velim, et populo Romano, qui id non probat, et huic ordini, qui decrevit invitus. Quid de reliquis reipublicæ malis? licet-ne dicere? mihi vero licet, et semper licebit, dignitatem tueri, mortem contemnere: potestas modo veniendi in hunc locum sit, dicendi periculum non recuso. Atque utinam, P. C. Kalendis Sextilibus adesse potuissem! non quo profici potuerit aliquid, sed ne unus modo Consularis, quod tum accidit, dignus illo honore, dignus republica inveniretur. Qua quidem ex re magnum accipio dolorem, homines amplissimis populi Romani beneficiis usos, L. Pisonem, ducem optimæ sententiæ non secutos. Idcirco-ne nos populus Romanus Consules fecit, ut in altissimo amplissimoque gradu dignitatis locati, rempublicam pro nihilo haberemus? non modò voce nemo L. Pisoni Consularis, sed ne vultu quidem assensus est. Quænam (malum!) est ista voluntaria servitus? fuerit quædam necessaria; nec ego hoc

a *pestis.* b *utinam.*

When Cicero's house was burnt by C. Clodius, during his banishment from Rome, it was rebuilt by a decree of the senate, at the public expense.

23. *Parentalia cum supplicationibus.*] The *parentalia* were feasts and sacrifices, in honour of deceased parents.

25. *Nihil dico cui.*] An indirect allusion to Cæsar, whom he considered as a tyrant, and an enemy to his country.

26. *L. Brutus.*] The same who expelled the Tarquins.

27. *Stirpem propagavit.*] This account of the descent of M. Brutus from L. Brutus, is called in question by some of the ancient writers; particularly by Dyonysius of Halicarnassus, who produces several arguments against it, which seem to be very plausible. While Brutus lived, however, it was universally allowed him; Cicero mentions it frequently, as a fact that no one denied; and often speaks of the image of old Brutus, which Marcus kept in his house, among those of his ancestors; and Atticus, who was peculiarly curious in the antiquities of the Roman families, drew up Brutus' genealogy for him, declaring his succession from that old hero, in a right line through all the intermediate gradations from father to his son. *Cor. Nep. vit. Att.*

39. *Kal. Sextilibus.*] The day on which Antony moved the senate to decree divine honours to Cæsar.

41. *Unus modo Consularis.*] Piso. See *note on paragraph* 2. *line* 33.

43. *Ducem optimæ sententiæ.*] He who first advanced an opinion, or made a proposition in the senate, was called its leader. Piso, in the present instance, was the first, who opposed the offering of divine honours to Cæsar.

47. *Malum!*] *Malum* appears in this place, to be an interjection, expressive of disapprobation and anger on the part of the speaker.

48. *Quædam necessaria.*] Referring to the servitude imposed on them by the tyranny of Cæsar.

ab omnibus iis desidero, qui sententiam loco Consulari dicunt; alia causa est eorum, quorum silentio ignosco; alia eorum, quorum vocem requiro; quos quidem doleo in suspicionem populi Romani venire, non modò metus, quod ipsum esset turpe, sed alium alia de causa deesse dignitati suæ. Quare primùm maximas gratias et habeo et ago L. Pisoni, qui non, quid efficere posset in republica, cogitavit, sed quid ipse facere deberet: deinde à vobis, P. C. peto, ut, etiamsi sequi minus audebitis orationem atque auctoritatem meam, benignè me tamen, ut fecistis adhuc, audiatis.

SECUNDA PARS,

In quâ probat acta Cæsaris esse servanda.

IV. Primùm igitur acta Cæsaris servanda censeo: non quòd probem; quis enim id quidem potest? sed quia rationem habendam maximè arbitror pacis atque otii. Vellem adesset Antonius, modò sine advocatis; sed, ut opinor, licet ei minùs valere: quod mihi herì per illum non licebat; doceret me, vel potius vos, P. C. quemadmodum ipse Cæsaris acta defenderet. An in commentariolis et chirographis, et libellis se uno auctore prolatis, ac ne prolatis quidem, sed tantummodo dictis, acta Cæsaris firma erunt? quæ ille in æs incîdit, in quo populi jussa, perpetuasque leges ésse voluit, pro nihilo habebuntur? Equidem sic existimo, nihil tam esse in actis Cæsaris, quàm leges Cæsaris; an, si cui quid ille promisit, id erit fixum? quod idem facere non potuit, ut multis multa promissa non fecerit; quæ tamen multo plura illo mortuo reperta sunt, quàm vivo beneficia per omnes annos tributa, et data; sed ea non muto, non moveo: summo enim studio præclara illius acta defendo: pecunia utinam ad Opis mane-

52. *Alium alia de causa.*] Many were silent on this occasion, because they had experienced the beneficence of Cæsar; Cicero doubtless intended to reprimand them for their conduct.

1. *Acta Cæsaris.*] It was agitated in the senate, whether the acts of Cæsar should be void or not. The senate decreed, that, for the sake of peace, they ought to be confirmed. Calpurnia, Cæsar's wife, gave the books in which they were contained to Antony, who employed Faberius, Cæsar's clerk, who was now in his power, to make such alterations and additions as answered his own purposes. The greater part of these acts were merely the records of the grants of provinces, and other gifts, that Cæsar had bestowed on his friends.

3. *Sine advocatis.*] Cicero here means those veteran soldiers whom Antony generally took with him to the senate-hall, in order to intimidate the senators, and awe them into a compliance with his measures.

4. *Licet ei minus valere.*] Antony was absent from the senate on the day on which this oration was delivered, notwithstanding his indignation on account of the absence of Cicero on the preceding day.

5. *Doceret me.*] Antony could not be considered as keeping the acts of Cæsar, when he was acting in direct violation of his laws.

6. *Commentariolis.*] These were the records in which the names of the persons, as well as the gifts and appointments that were given to them, were kept.

Ib. *Chirographis.*] Probably, the notes and observations that were made on the different acts, that Cæsar had passed, intended principally for his own private use.

7. *Se uno auctore prolatis.*] On many occasions Antony did not even produce the acts of Cæsar; but merely said, that such acts were contained in his records.

9. *Populi jussa.*] The laws passed by their legal representatives, may be considered as the commands of the people.

12. *Quæ tamen multo plura.*] Antony is here indirectly accused of endeavouring to accomplish his own designs, under the pretence that he was supported in all he did by the acts of Cæsar.

15. *Ad Opis.*] The temple of Ops, in which was the treasury. Ops is also called Cybele, Bona Dea, Matuta, and the mother of the gods.

ret; cruenta illa quidem, sed his temporibus, cùm iis, quorum est, non redditur, necessaria; quanquam ea quoque sit effusa, si ita in actis fuit. Ecquid est, quod tam propriè dici possit actum ejus, qui togatus in repub. cum potestate imperioque versatus sit, quàm lex? quære acta Gracchi, leges Semproniæ proferentur: quære Sullæ, Corneliæ: quid? Cn. Pompeii tertius Consulatus in quibus actis constitit? nempe in legibus: à Cæsare ipso si quæreres, quidnam egisset in urbe et in toga; leges multas responderet se et præclaras tulisse; chirographa vero aut mutaret, aut non daret: aut si dedisset, non istas res in actis suis [a] duceret. Sed ea ipsa concedo: quibusdam in rebus etiam [b] conniveo: in maximis vero rebus, id est, legibus, acta Cæsaris dissolvi ferendum non puto, Quæ lex melior, utilior, optimâ etiam republ. sæpiùs flagitatâ, quàm ne Prætoriæ provinciæ plus quàm annum, neve plus quàm biennium Consulares obtinerentur? Hac lege sublata, videnturne vobis acta Cæsaris servari? quid? eâ lege, quæ promulgata est de tertia decuria, nonne omnes judiciariæ leges Cæsaris dissolvuntur? et vos acta Cæsaris defenditis, qui leges ejus evertitis? nisi forte, si quid memoriæ causa retulit in libellum, id numerabitur in actis, et quamvis iniquum et inutile sit, defendetur: quod ad populum centuriatis comitiis tulit, id in actis Cæsaris non habebitur. At quæ est ista tertia decuria? Centurionum, inquit: quid? isti ordini [c] judicatus lege Juliâ, etiam antea Pompeiâ, Aureliâ non patebat? Census præfiniebatur, inquit, non centurioni quidem solùm, sed equiti etiam Romano. Itaque viri fortissimi atque honestissimi, qui ordines

a *existimaret* esse. b *consentio.* c potestas *judicandi.*

16. *Cruenta illa.*] After the death of Pompey, and the dispersion of his followers, his estate was confiscated, and the proceeds deposited in the treasury, for the use of the public; this Antony used for his own purposes.

17. *Ea quoque sit effusa.*] Cicero does not complain that his money should be squandered by Antony, if Cæsar in his acts had ordered it so, but intimates that if it was done through the extravagance of Antony, he was greatly to be blamed.

18. *Quod tam propriè*, &c.] He proves by inference, that nothing could so properly be called the acts of a man, invested with public authority, as the laws he passed.

Ib. *Qui togatus.*] The *toga* was the citizen's dress, and never worn except when he was free from military duty. *Togatus* here means, that the individual in question possessed his authority in time of peace.

19. *Acta Gracchi.*] Laws passed by C. Sempronius Gracchus, called the Sempronian laws, from his own name.

20. *Corneliæ.*] The Cornelian laws, passed by L. Cornelius Sylla.

28. *Ne prætoriæ provinciæ.*] Cæsar passed many excellent laws, but none more so than that the prætorian provinces should not be held longer than one year, nor the consular longer than two. Formerly they were held during the space of three, and five years, respectively.

29. *Sublata.*] This law Antony in effect annulled, by his daily practice to the contrary.

30. *Promulgata est de tertia.*] Cæsar had passed a law, confining the judicial power to the senators and knights, excluding the Tribuni Ærarii, who before acted as judges. Antony was now desirous of adding a third order to the two former, to be chosen out of the centurions.

35. *Centuriatis comitiis.*] When the votes were given by the people, divided into *curiæ*, the assembly was called *comitia curiata;* when divided into classes and centuries, *comitia centuriata;* and into tribes, *comitia tributa.*

37. *Lege Juliâ.*] According to the Julian law, mentioned in the last preceding note but one, the senators and knights only were entitled to act as judges; according to that enacted by Pompey, a short time before, senators, knights, and tribunes of the treasury, could act in that capacity; and, by the law of Aurelius Cotta, they were chosen from the three last-mentioned orders.

Ib. *Census præfiniebatur.*] According to the law passed by Pompey, no one was ca-

duxerunt, res et judicant et judicaverunt. Non quæro, inquit istos: quicunque ordinem duxit, judicet. At si ferretis, quicunque equo meruisset, quod est laudatius, nemini probaretis. In judico enim spectari et [a] fortuna debet et dignatas. Non quæro, inquit, istæ; addo etiam judices manipulares ex legione Alaudarum; aliter enim nostri negant posse se salvos esse. O contumeliosum honorem iis quos ad judicandum nec-opinantes vocatis! hic enim est legis index, ut ii in tertia decuria judicent, qui liberè judicarè non audeant: in quo quantus est error, dii immortales, eorum, qui istam legem excogitaverunt! ut enim quisque sordidissimus videbitur, ita libentissimè severitate judicandi [b] sordes suas eluet: laborabitqne, ut honestis decuriis potius dignus videatur, quam in turpem jure conjectus.

V. Altera promulgata lex est, ut et de vi, et de majestate damnati, ad populum provocent, si velint: hæc utrum tandem lex est, an legum omnium dissolutio? quis enim est hodie, [c] cujus intersit istam legem manere? nemo [d] reus est legibus illis, nemo, quem futurum putemus; armis enim gesta nunquam profectò in judicium vocabuntur. At res popularis; utinam quidem velletis aliquid esse populare; omnes enim jam cives de reipub. salute unâ et mente et voce consentiunt. Quæ est igitur ista cupiditas ejus legis ferendæ, quæ turpitudinem summam habeat, gratiam nullam? quid enim turpius, quàm qui majestatem populi Romani per vim minuerit, eum damnatum judicio, ad eam ipsam vim reverti, propter quam sit jure damnatus? Sed quid plura de lege disputo? quasi vero id agatur, ut quisquam provocet; id agitur, id fertur, ne quis omninò unquam istis legibus

a *census.* b *illustrabit suam obscuritatem.* c *cui sit utile.* d *accusatur.*

pable of acting as judge, unless he possessed an estate not less in value than a certain specified amount. Antony removed this limitation, in order that every one who had been a centurion, without any regard to property, might act in that capacity.

40. *Non quæro, inquit istos.*] It was not Antony's wish that there should be any other qualification requisite to constitute a centurion a judge, than the mere fact of his holding that office. Antony's object in this was to attach the army to his interest. If, as some suppose, we take *quicunque ordinem duxit*, to mean an officer of any grade, nothing could have been better calculated to promote his designs.

41. *Equo meruisset.*] This was said of those only who received their horses from the public, in token of merit; of whom it was always required, that they should be ready when their assistance was wanted in defence of their country.

43. *Non quæro, inquit, ista.*] Antony's reply still was, that neither rank nor wealth were to be taken into consideration.

44. *Judices manipulares.*] Antony wished that judges might also be selected from those who commanded the smaller divisions. The *manipulus* was the third part of a cohort.

Ib. *Ex legione Alaudarum.*] This legion of the *Aludæ* was first raised by Cæsar, and composed of the natives of Gaul, armed and disciplined after the Roman manner, to which he gave the freedom of Rome. He called it by a Gallic name, *Aludæ*, which signified a kind of lark or small bird, with a tuft or crest rising upon its head; in imitation of which, this legion wore a crest of feathers on the helmet; from which origin the word was adopted into the latin tongue. Antony, out of compliment to these troops, and to assure himself of their fidelity, made a judiciary law, by which he erected a third class of judges, to be drawn from the officers of this legion, and added to the other two of the senators and knights; for which Cicero often reproaches him, as being a most infamous prostitution of the dignity of the republic.

Ib. *Aliter enim nostri.*] Antony's plea, as Cicero here represents the matter, was, that his party could neither be safe, nor avoid sentence of condemnation, unless judges should be taken from this legion also.

46. *Hic enim est legis index.*] According to the law passed by Antony, men

reus fiat. Quis enim aut accusator tam amens reperietur, qui reo condemnato objici se multitudini conductæ velit? aut judex, qui reum damnare audeat, ut ipse ad operas mercenarias statim protrahatur? Non igitur [a] provocatio ista lege datur: sed duæ maximè salutares leges [b] quæstionesque tolluntur. Quid est igitur aliud adhortari adolescentes, ut turbulenti, ut seditiosi, ut perniciosi cives velint esse? quam autem ad pestem furor Tribunitius impelli non poterit, his duabus quæstionibus, de vi et de majestate, sublatis? Quid, quod abrogatur legibus Cæsaris, quæ jubent ei, qui de vi, itemque ei, qui majestatis damnatus sit, aquâ et igni interdici? quibus cum provocatio datur, nonne acta Cæsaris [c] rescinduntur? Quæ quidem ego, P. C. qui illa nunquam probavi, ita conservanda concordiæ causa arbitratus sum, ut non modò, quas vivus Cæsar leges tulisset, infirmandas hoc tempore non putarem, sed ne illas quidem quas post mortem Cæsaris prolatas esse et fixas videtis. De exilio reducti à mortuo: civitas data non solum singulis, sed etiam nationibus et provinciis universis à mortuo: immunitatibus infinitis sublata vectigalia à mortuo. Ergo hæc unò, verùm optimo auctore, domo prolata defendimus: eas leges, quas ipse vobis inspectantibus recitavit, pronunciavit, tulit, quibus latis gloriabatur, iisque legibus rempublicam contineri putabat, de provinciis, de judiciis, eas, inquam, Cæsaris leges, nos, qui defendimus acta Cæsaris, evertendas putamus? At de iis tamen legibus, quæ promulgatæ sunt, saltem queri possumus: de iis, quæ jam latæ dicuntur, ne illud quidem licuit; illæ enim nulla promulgatione latæ sunt antequam scriptæ. Quærunt quid sit, cur aut ego, aut quisquam vestrûm, P. C. bonis Tribunis-plebis leges malas metuat; paratos habemus qui intercedant: paratos qui rempublicam religione defendant: vacui metu esse debemus. Quas tu mihi, inquit, intercessiones, quas religiones nominas? eas scilicet, quibus

a jus *provocandi*. b *judicia*. c *tolluntur*.

were chosen as judges who were not only ignorant of the laws, but were prevented by a consciousness of their own crimes from acting with integrity.

15. *Multitudini conductæ.*] Persons of the lowest character were designated by this name, and such as might be bribed to act without the slightest regard to integrity.

17. *Duæ maximè salutares leges.*] The laws which Cæsar passed, relating to violence and treason.

20. *Furor Tribunitius.*] Almost all the seditions at Rome, were raised by the tribunes of the people, on this account Cicero often calls them *furiosi*.

23. *Aquâ et igni interdici.*] Banished.

28. *Et fixas.*] The laws among the Romans, were first engraved in tables of brass, and then fixed to the walls and columns of the capitol, so that they might be read by all.

Ib. *De exilio reducti à mortuo.*] Antony had recalled many from exile, and had also gifted numbers with citizenship, when he considered it his interest to do so, pretending that it was so ordered by the acts of Cæsar. Those on whom he bestowed his gifts with such profuseness, were jocularly called *Charonitæ*, as if they had been sent back from the infernal regions by Charon.

31. *Uno, verùm optimo auctore.*] Whatever was divised by Antony at his own house, was brought forward as an act of Cæsar, whilst his laws, that were regularly established, were utterly disregarded.

37. *Nulla promulgatione.*] The laws were always proposed to the people, three market days before they were passed, in order to obtain their approbation or disapprobation. If the people approved of them, they were passed, if not, they were rejected.

42. *Quas religiones.*] The auspices were always consulted before the passing of laws. The augurs on such occasions watched the heavens, in order to determine by the flight of birds, the probable

reipublicæ salus continetur. Negligimus ista, et nimis antiqua, et stulta ducimus. Forum [a] sepietur: omnes claudentur aditus: armati in præsidiis multis locis collocabuntur: quid tum? quod erit ita gestum, id lex erit? et in æs incidi jubebitis? cedo illa legitima; CONSULES POPULUM JURE ROGAVERUNT (hoc enim à majoribus accepimus jus rogandi) POPULUSQUE JURE [b] SCIVIT: qui populus? isne, qui exclusus est? quo jure? an eo, quod vi et armis omne sublatum est? Atque hæc dico de futuris: quod est amicorum, ante dicere ea, quæ vitari possunt: quæ si facta non erunt, refelletur oratio mea. Loquor de legibus promulgatis, [c] de quibus est integrum vobis: demonstro vitia; tollite: denuncio vim, arma; removete.

TERTIA PARS,

Ubi proponit, quæ tum à Dolabella, tum ab Antonio facta sunt

VI. Irasci vos quidem mihi, Dolabella, pro republica dicenti non oportebit; quanquam te quidem id facturum non arbitror: novi enim facilitatem tuam. Collegam tuum aiunt in hac sua fortuna, quæ bona ipsi videtur: mihi, ne gravius quippiam dicam, avorum et avunculi sui Consulatum si imitaretur, fortunatior videretur: sed eum iracundum audio esse factum. Video autem, quàm sit odiosum habere iratum eundem et armatum, cùm tanta præsertim [d] gladiorum sit impunitas: sed proponam [e] jus, ut opinor æquum; quod M. Antonium non arbitror repudiaturum. Ego, si quid in vitam ejus aut in mores cum contumelia dixero, quo minus mihi inimicissimus sit, non recusabo; sin consuetudinem meam, [quam semper in republica habui] tenuero, id est, si liberè, quæ sentiam, de republica dixero, primùm deprecor, ne irascatur: deinde, si hoc non impetro, peto, ut sic irascatur, ut civi: armis utatur, si ita necesse est, ut dicit, sui defendendi causâ: iis, qui pro republ. quæ ipsis visa erunt dixerint, ista arma ne noceant. Quid hac postulatione dici potest æquius? Quod si, ut à quibusdam mihi ejus familiaribus dictum est, omnis eum, quæ habetur contra voluntatem ejus, oratio graviter offendit, etiamsi nulla inest contumelia, feremus amici naturam: sed iidem illi ita mecum: Non idem tibi adversario Cæsaris licebit, quod

a *circumdabitur.* b *decrevit.* c *quas liberum est ferre, vel non ferre.*
d *armorum.* e *æquam conditionem.*

event, whether favourable or unfavourable, of the law about to be passed. The reports of the augurs were always made known to the people, whose minds were generally determined by the nature of the report.

46. *Cedo illa legitima.*] The following words, appear to have been the preamble to all the bills which the Roman people passed, and were called the legal form of words. The right of being consulted on such occasions, was a privilege of a very ancient date at Rome. The words were these: The consuls, in due form required the consent of the people, and the people in due form consented.

49. *Qui populus?*] What people? replies Cicero, the seditious faction of Antony? or the friends of the republic? the most of whom, were not permitted to be present.

Ib. *Quo jure?*] He denies that there can be justice in the case, when armed men act as they please.

1. *Irasci.*] He here departs from the point in question, and addresses himself to Dolabella, who was present on the occasion; though Antony, his colleague, was absent.

3. *Collegam tuum.*] Antony.

4. *Avorum et avunculi.*] M. Antony, the celebrated orator, who fell a victim to

Pisoni socero: et simul admonent quiddam, quod cavebimus: nec erit justior, P. C. in Senatum non veniendi morbi causâ, quàm mortis. Sed per deos immortals! te enim intuens, Dolabella, qui es mihi carissimus, non possum de utriusque vestrûm errore reticere. Credo enim vos homines nobiles, magna quædam spectantes, non pecuniam, ut quidam nimis creduli suspicantur, quæ semper ab amplissimo quoque clarissimoque contempta est; non opes violentas, et populo Romano minimè ferendam potentiam, sed caritatem civium, et gloriam concupisse; est autem gloria laus rectè factorum, magnorumque in rempublicam meritorum, quæ cùm optimi cujusque, tum etiam multitudinis testimonio comprobatur. Dicerem, Dolabella, qui rectè factorum fructus esset, nisi te præter cæteros paulisper esse expertum viderem. Quem potes recordari in vitâ tibi illuxisse diem lætiorem, quam cùm, expiato Foro, dissipato concursu impiorum, principibus sceleris pœnâ affectis, urbe incendio et cædis metu liberatâ, te domum recepisti? cujus ordinis, cujus generis, cujus denique fortunæ studia tum laudi, et gratulationi tuæ se non obtulerunt? Quin mihi etiam, quo[a] auctore te in iis rebus uti arbitrabantur, et gratias boni viri agebant, et tuo nomine gratulabantur. Recordare, quæso, Dolabella, consensum illum theatri, cùm omnes earum rerum obliti, propter quas tibi fuerant offensi, significarunt se beneficio novo memoriam veteris doloris abjecisse. Hanc tu, P. Dolabella, (magno loquor cum dolore, hanc tu, inquam, potuisti æquo animo tantam dignitatem deponere? Tu autem, M. Antoni (absentem enim appello) unum illum diem, quo in æde Telluris Senatus fuit, non omnibus iis mensibus, quibus te quidam, multùm à me dissentientes, beatum putant, anteponis? quæ

[a] *suasore.*

the cruelty of Marius, was his grandfather; and the uncle here meant, was L. Cæsar, who had been consul with C. Figulus; he was a person of great integrity, and well affected toward the state.

21. *Quod cavebimus.*] This appears like a tacit intimation, that his life was not altogether free from danger, such was his opinion of Antony.

34. *Expiato Foro.*] This refers to the demolition of the pillar, mentioned in the note on line 40 of the first section of this oration, which was a matter of such joy to the people, that they attended Dolabella in a body to his house, and in the theatres gave him the usual testimony of their thanks, by the loudest acclamations.

40. *Earum rerum obliti.*] Dolabella, duing his tribuneship passed a law, by which all debts were remitted. This gave great offence, particularly to his father-in-law Cicero; nor was it till the destruction of the pillar mentioned above, that it was forgotten, and the prejudices entertained against him on that account removed.

43. *Potuisti æquo animo,* &c.] Dolabella, oppressed by a load of debts that he had contracted by a life of pleasure and extravagance, was drawn entirely from Cicero and the republican party, into Antony's measures, by a large sum of money, and a promise of a share in the plunder of the empire. He left Rome before the expiration of his consulship, to take possession of Syria, which had been allotted to him by Antony's management. But, upon the news of his putting Trebonius to death, he was declared a public enemy, and his estate confiscated. He at last killed himself at Laodicea, to prevent his falling alive into the hands of Cassius, and suffering the same treatment he had shown to Trebonius.

45. *Telluris Senatus fuit.*] On the third day after Cæsar's death, Antony called the senate together in the temple of Tellus, to adjust the conditions of peace, and confirm them by solemn act.

Ib. *Omnibus iis mensibus.*] That is, from the death of Cæsar, till the time in which this oration was delivered, during which period Antony managed the puplic affairs without control.

46. *Beatum putant.*] Antony's friends thought him happy, because, on the death of Cæsar, he obtained the principal authority at Rome.

fuit oratio de concordia? quanto metu veterani, quanta solicitudine civitas tum à te liberata est? Tuum collegam, depositis inimicitiis, oblitus auspicia, teipso augure nunciante, illo primum die collegam tibi esse voluisti: reip. tuus parvulus filius in Capitolium à te missus pacis obses fuit: quo Senatus die lætior? quo populus Romanus? qui quidem nulla in concione unquam frequentior fuit: denique liberati per viros fortissimos videbamur: quia, ut illi voluerant, libertatem pax consequebatur. Proximo, altero, reliquis consecutis diebus non intermittebas quasi donum aliquod quotidie adferre reipublicæ: maximum autem illud quod Dictaturæ nomen sustulisti; hæc [a] inusta est à te, à te, inquam, mortuo Cæsari nota ad ignominiam sempiternam. Ut enim propter unius M. Manlii scelus, decreto gentis Manliæ, neminem patricium M. Manlium vocari licet: sic tu propter unius Dictatoris odium, nomen Dictatoris funditùs sustulisti. Num hujusce, cùm pro salute reipublicæ tantâ gessisses, fortunæ te, num amplitudinis, num claritatis, num gloriæ pœnitebat? Unde igitur subitò tanta ista mutatio? non possum adduci, ut suspicer te pecuniâ captum: licet, quod cuique libet, loquatur; credere non est necesse; nihil enim unquam in te sordidum, nihil humile cognovi; quanquam solent [b] domestici depravare nonnunquam: sed novi firmitatem tuam; atque utinam ut culpam, sic enim suspicionem vitare potuisses! Illud magis vereor, ne ignorans verum iter gloriæ, gloriosum pûtes, plus te unum posse quàm omnes, et metui à civibus tuis, quàm diligi malis. Quod si ita putas, totam ignoras viam gloriæ. Carum esse civem, bene de republica mereri, laudari, coli, diligi, gloriosum est; metui verò, et in odio esse, invidiosum, detestabile, imbecillum, caducum. Quod videmus etiam in [c] fabula, ipsi illi, qui *Oderint dum metuant* dixerit, perniciosum fuisse. Utinam, Antoni, avum tuum meminisses; de quo tamen multa audisti ex me, eaque sæpissimè. Putasne illum immortalitatem mereri voluisse, ut propter armorum habendorum licentiam metueretur? illa erat vita, illa secunda fortuna, libertate esse parem cæteris, principem dignitate. Itaque, ut omittam res avi tui prosperas, acerbissimum ejus diem supremum malim, quàm L. Cinnæ dominatum, à quo ille crudelissimè est interfectus. Sed quid oratione te flectam? si enim [d] exitus C. Cæsaris officere non potest, ut malis cârus esse, quàm metui, nihil cujusquam proficiet, nec valebit oratio;

a *impressa.* b *familiares.* c *tragædia.* d *mors.*

47. *Quanto metu veterani.*] The veteran soldiers, in particular, were very much afraid lest the acts of Cæsar should be rescinded, as they only contained a full account of the bounties he intended to bestow on them.

48. *Collegam.*] When Cæsar promised to resign the consulship to Dolabella, before he went to the Parthian war, Antony, who was jealous of Dolabella, as being his rival in Cæsar's favour, protested, that by his authority as augur, he would disturb that election, whenever it should be attempted.

51. *Obses fuit.*] Antony's son, whom he had sent as a hostage to the conspirators.

53. *Per viros fortissimos.*] The conspirators, particularly Brutus and Cassius.

58. *Manlii scelus.*] This was the Manlius who so bravely defended the capitol, when besieged by the Gauls; but, being suspected of affecting regal authority, was afterwards thrown off the Tarpeian rock into the Tiber.

65. *Quanquam solent domestici, &c.*] Cicero, no doubt, hints here at the avarice of Fulvia, Antony's wife.

73. *Oderint dum metuant.*] Let them hate while they fear, an expression often used by Accius the poet, in his tragedy of Atreus.

quem qui beatum fuisse putant, miserrimi ipsi sunt. Beatus est nemo, qui ea lege vivit, ut non modò impunè, sed etiam cum summa interfectoris gloria, interfici possit. Quare flecte te, quæso, et majores tuos respice, atque ita guberna rempublicam, ut natum te esse cives tui gaudeant: sine quo nec beatus, nec clarus quisquam esse potest. Et populi quidem Romani judicia multa ambo habetis, quibus vos non satis moveri permolestè fero. Quid enim gladiatoribus clamores innumerabilium civium? quid populi concursus? quid Pompeii statuæ plausus infiniti? quid duobus tribunis-plebis qui vobis adversantur? parum-ne hæc significant incredibiliter consentientem populi Romani universi voluntatem? Quid? Apollinaribus ludis plausus, vel testimonia potius, et judicia populi Romani vobis parva esse videbantur? O beatos illos, qui, cum adesse ipsis propter vim armorum non licebat, aderant tamen, et in medullis populi Romani ac visceribus hærebant! nisi forte Accio tum plaudi, et sexagesimo post anno palmam dari putabatis, non Bruto; qui suis ludis ita caruit, ut in illo apparatissimo spectaculo studium populus Romanus tribuerit absenti, desiderium liberatoris sui prepetuo plausu et clamore lenierit. Equidem is sum, qui istos plausus, cùm à popularibus civibus tribuerentur, semper contempserim: idemque cùm à summis, mediis, infimis, cùm denique ab universis hoc idem fit; cùmque ii, qui ante sequi populi consensum solebant, fugiunt; non plausum illum, sed judicium puto. Sin hæc leviora vobis videntur, quæ sunt gravissima, num etiam hoc contemnitis, quod sensistis tam caram populo Romano vitam A. Hirtii fuisse? satis enim erat, probatum illum esse populo Romano, ut est: jucundum amicis, in quo vincit omnes: carum suis, quibus est ipse carissimus: tantam tamen solicitudinem bonorum, tantum timorem

83. *Quem.*] Cæsar; whom, if any thought happy, they themselves were most wretched.

88. *Populi Romani judicia.*] The violence committed so often at Rome after Cæsar's death, was not owing to any indignation of the citizens against the murderers of Cæsar; who, on the contrary, were their favourites, as appeared on all occasions, on which their real sentiments could be known, particularly from their acclamations at the shows of the gladiators, exhibited by Brutus, and the repairing of Pompey's statue, that had been thrown down during the civil wars.

91. *Quid duobus tribunis-plebis.*] These two tribunes were Tiberius Canutius, and Nonius Aspernas; the latter of whom opposed Dolabella, in his suit for the province of Syria, and the former set up Octavius in opposition to Antony.

93. *Apollinaribus ludis.*] Brutus and Cassius were obliged, as prætors, to exhibit certain games in honour of Apollo, with which the public were annually entertained, on the third of July; but, as they had withdrawn themselves from Rome, these games were conducted by the brother of Cassius with great splendour.

95. *O beatos illos.*] Brutus and Cassius; who, though they were absent, were treated with great respect and approbation by the people.

97. *Nisi forte Accio.*] Accius was a tragic poet, born during the consulship of Mancinus and Serranus. He was sent from Rome to Pisaurus, along with a colony, where he had a farm that was called *Accianus.* It was now sixty years since his death. Brutus, then, and not Accius, was applauded as the liberator of his country.

102. *A summis, mediis, infimis.*] Alluding to the three different ranks into which the Romans were divided, namely, senatorian, equestrian, and plebeian.

104. *Non plausum, sed judicium.*] When all ranks applaud, their commendation is rather to be considered as the effect of a properly exercised judgment, than hasty and undiscerning applause.

106. *Caram pop. Rom. vitam Hirtii.*] Hirtius was then consul elect, and happening to fall sick, vows were put up for his recovery, as for one on whom depended the safety of the state. This was the Hirtius who was afterwards slain at Modena, and whose death, together with that of his colleague, was thought to be of such fatal consequence to Rome.

omnium in quo meminimus? certe in nullo. Quid igitur? [a] hoc vos, per deos immortales, quale sit, non interpretamini? quid eos de vestrâ vitâ cogitare censetis, quibus eorum, quos sperant reipublicæ consul turos, vita tam cara sit?

PERORATIO.

VII. Cepi fructum, P. C. reversionis meæ: quoniam ea et dixi, ut, quicunque casus consecutus esset, [b] extaret constantiæ meæ testimonium: et sum à vobis benignè ac diligenter auditus. Quæ potestas si mihi sæpiùs sine meo vestroque periculo fiet, utar: si minùs, quantum potero, non tam mihi me, quám reipublicæ reservabo. Mihi fere satis est, quod vixi, vel ad ætatem, vel ad gloriam: huc si quid accesserit, non tam mihi quàm vobis, reique publicæ accesserit.

a *non expenditis quale sit judicium?* b *appareret.*

IN

M. ANTONIUM

PHILIPPICA II.

THE preceding oration, as might be expected, gave great offence to Antony, who, calling another meeting of the senate, sent a special summons a second time to Cicero to attend, with the determination to answer him in person, and justify himself to the public. The senate met on the appointed day, in the temple of Concord, to which Antony came with a strong guard, and in great expectation of meeting Cicero, whom he endeavoured by artifice to draw thither. Cicero, contrary to his own inclination, was prevented from attending by his friends, who were apprehensive that some design was laid against his life. Antony's speech confirmed their apprehensions, in which he poured out his indignation against Cicero without the least reserve. As a breach between them seemed now inevitable, Cicero thought it necessary to remove to some of his villas near Naples; where he composed this oration in reply to Antony. It was not delivered in the senate, as the tenor of it seems to imply, but finished in the country; nor was it intended to publish it till things were actually come to an extremity, and the state of public affairs should make it necessary to expose the character and designs of Antony in all their colours. The oration itself is a violent invective on his life, representing it as a continued scene of lewdness, faction, violence, and rapine, heightened by all the colours of wit and eloquence, and shows, at the same time, that Cicero, at the age of 63, had lost nothing of that fire and spirit with which his earlier productions were animated.

EXORDIUM.

Exordium illud abruptum est et inflammatum, ideoque breve.

I. QUONAM meo fato, P. C. fieri dicam, ut nemo his annis viginti reipublicæ hostis fuerit, qui non bellum eodem tempore mihi quoque [a] indixerit? Nec vero necesse est à me quenquam nominari vobis, cùm ipsi recordemini; [b] mihi pœnarum illi plùs, quàm optarem, dederunt. Te miror, Antoni, quorum facta imitere, eorum exitus non perhorrescere. Atque hoc in aliis minùs mirabar; nemo illorum inimicus mihi fuit voluntarius: omnes à me reipublicæ causâ lacessiti; tu, ne verbo quidem violatus, ut audacior quàm L. Catilina, furiosior quàm P. Clodius viderere, ultrò maledictis me lacessisti; tu-

INTERPRETATIO.

a *denunciarit.* b *puniti sunt graviùs quàm optavissem.*

NOTES.

1. *Meo fato.*] The ancients defined fate to be a connexion and series of causes, by which every thing that is, comes to pass.

Ib. *His annis viginti.*] Twenty years intervened between the consulships of Cicero and M. Antony.

6. *Exitus non perhorrescere.*] Catiline, fighting against his country, was slain in battle, and his associates in the conspiracy were slain in prison, by a decree of the senate. Clodius, who hated Cicero, and who, by his faction had, sent him into exile, was slain by Milo.

Ib. *In aliis.*] He intends Clodius, Catiline, Vatinius, Piso, and Gabinius, whom Cicero himself had provoked.

9. *Ultrò maledictis.*] Antony, of his own accord, first attacked Cicero; and by his

namque à me alienationem commendationem tibi ad cives impios fore putavisti. Quid putem? contemptum-ne me? non video nec in vita, nec in gratia, nec in rebus gestis, nec in hac mea mediocritate ingenii, quid despicere possit Antonius. An in Senatu facillimè de me detrahi posse credidit? qui ordo clarissimis civibus bene gestæ reipublicæ testimonium multis, mihi uni conservatæ dedit. An decertare mecum voluit contentione dicendi? hoc quidem beneficium est; quid enim plenius, quid uberius, quàm mihi et pro me, et contra Antonium dicere? Illud profectò est; non existimavit sui similibus probari posse, se esse hostem patriæ, nisi mihi esset inimicus.

REFUTATIO.

Tria potissimùm Antonius objecerat Ciceroni; 1. violatas amicitiæ leges; 2. Consulatum crudeliter gestum; 3. auctorem fuisse multorum criminum. Hæc tria refutat Cicero.

PRIMA PARS.

De violatâ amicitiâ.

II. Cui priusquàm de cæteris rebus respondeo, de Amicitiâ, quam à me violatam esse criminatus est, quod ego gravissimum crimem judico, pauca dicam. Contra [a] rem suam me, nescio quando, venisse questus est. An ego non venirem contra alienum pro familiari et necessario meo? non venirem contra gratiam, non virtutis [b] spe, sed ætatis flore collectam? non venirem contra injuriam, quam iste intercessoris nequissimi beneficio obtinuit, non jure Prætorio? Sed hoc idcirco commemoratum à te puto, ut te infimo ordini commendares; cùm omnes te recordarentur libertini generum, et liberos tuos, nepotes Q. Fadii, libertini hominis, fuisse. At enim te in discipli-

a *me causam ejus oppugnasse.*

b *opinione, vel expectatione.*

pointed threats compelled him to come into the senate, although weary from his journey.

12. *Gratia.*] He intends the kindness of the people, which had been very great to him when he was sent into exile, and when he returned; and also on his return from Greece, when almost a whole day was spent in receiving and congratulating him on his return *See Plut.* in *Cic.*

13. *Detrahi.*] Antony thought, that by delivering an oration full of imprecations on Cicero, he could detract something from the esteem in which he was held by the people.

15. *Mihi uni conservatæ dedit.*] When Cicero saved the republic from the conspiracy of Catiline, the senate decreed him a thanksgiving, M. Catot, being asked his opinion concerning what was done called Cicero the father of his country, which honour had never before been conferred on any one in a free city.

4. *Contra alienum pro familiari.*] Who this was, it does not appear; but the stranger hinted at was Q. Fadius Bambalio, a freedman, whose daughter Antony had married. Cicero being called, came into court for that friend, and against Bambalio; on which account, Antony said that he had violated the faith of friendship.

5. *Contra gratiam.*] That is, against Antony, a popular man, who, by his favour, could do much.

6. *Iste.*] Bambalio, the father-in-law of Antony.

Ib. *Intercessoris nequissimi.*] A certain tribune of the people had been corrupted, either by Antony or Bambalio, to speak against Cicero's friends, lest the accused should plead his cause, which he could not hinder.

7. *Jure Prætorio.*] The prætor's decision was introduced to assist, supply, and correct the civil law, on account of public utility; it was also called honorarium, in honour of the prætor.

8. *Infimo ordini.*] He intends the plebeian order, or at least the plebeian libertines, who could not fill a magistracy or hold a seat in the senate.

10. *In disciplinam meam tradideras.*]

nam meam tradideras: (nam ita dixisti) domum meam [a] ventitaras: [b] næ tu si id fecisses, meliùs famæ, meliùs pudicitiæ tuæ consuluisses: sed nec fecisti, nec si cuperes, tibi id per C. Curionem facere licuisset. Auguratûs petitionem mihi te concessisse dixisti. O incredibilem audaciam! ô impudentiam prædicandam! Quo enim tempore me augurem à toto collegio expetitum Cn. Pompeius et Q. Hortensius nominaverunt (neque enim licebat à pluribus nominari) nec tu solvendo eras, nec te ullo modo, nisi eversâ republica, incolumem fore putabas. Poteras autem eo tempore auguratum petere, cùm in Italia Curio non esset? aut tum, cùm es factus, [c] unam tribum sine Curione ferre potuisses? cujus etiam familiares de vi condemnati sunt, quòd tui nimis studiosi fuissent. At beneficio sum usus tuo; quod quanquam illud ipsum, quod commemoras, semper [d] præ me tuli. Malui me tibi debere confiteri, quàm cuiquam minus prudenti non satis gratus videri; sed quo beneficio? quòd me Brundusii non occideris? quem ipse victor, qui tibi, ut tute gloriari solebas, detulerat ex latronibus suis principatum, salvum esse voluisset, in Italiam ire jussisset, eum tu occideres? fac potuisse; quod est aliud, P. C. beneficium latronum, nisi ut commemorare possint, iis se vitam dedisse, quibus non ademerint? Quod si essent beneficium, nunquam ii, qui illum interfecerunt, à quo erant servati, quos tu ipse viros clarissimos appellare soles, tantam essent gloriam conse-

a *frequentaras.* b *certè.*
c non *potuisses obtinere suffragium unius tribus.* d *confessus sum.*

After putting on the *virilis toga*, it was customary to lead young men to men of gravity, by whom they were to be instructed in a proper course of life.

13. *Per C. Curionem.*] He intends the son of Curio, who by his intimacy with Antony was hurried into all the extravagance of vice and dissipation. But when his father obliged him to quit the company of Antony, he reformed his conduct, and adhering to the instructions and maxims of Cicero, became the favourite of the city. He, however, took part with Cæsar in the civil wars.

14. *Auguratûs.*] The college of augurs was the most noble at Rome: it then consisted of nine soothsayers, who were taken from the patricians and plebeians; their dignity was perpetual.

16. *Augurem à toto collegio.*] When M. Crassus died among the Parthians, Cicero was chosen augur in his place, in the year of the city 700, and in the fifty-fourth year of his age.

18. *Nec tu solvendo eras.*] Antony objected to Cicero, that he had desisted from his suit for the augurship when he understood that Cicero was suing for it. But Cicero answers this objection by saying, that he could not have been an augur, because he was deeply in debt; whereas the law provided, that he who had been guilty of extortion, or could not pay his debts, should neither sue for the augurship or nominate augurs; likewise, because Curio, through whose influence alone he could obtain the office, was then quæstor in Asia.

20. *Aut tum, cum es factus.*] Antony was afterwards made augur, having obtained money from Curio to buy the votes of the people.

21. *Cujus etiam familiares.*] When Antony, the tribune, was made augur, his friends were condemned for violence, because they excited a sedition in the *comitia*.

25. *Quòd me Brundusii non occideris.*] After Pompey was defeated in the battle of Pharsalia, Cato Uticensis, at the request of his friends, endeavoured to persuade Cicero to accept the command of the fleet. But, at the request of Cæsar, Cicero fled and came to Brundusium, on his way to Italy. As Antony had been sent hither by Cæsar, he might have killed Cicero as a Pompeian, and as one who was endeavouring to take the command from Cæsar.

27. *Ex latronibus suis principatum.*] What Cicero here says, is as severe upon Cæsar as upon Antony; for he insinuates that the war was more properly a robbery than a lawful war.

31. *A quo erant servati.*] With the

cuti. Quale autem beneficium est, quòd te abstinueris nefario scelere? qua in re non tam jucundum videri mihi debuit, non interfectum à te, quàm miserum, id te impunè facere potuisse. Sed sit beneficium, quandoquidem majus accipi à latrone nullum potuit: in quo potes me dicere ingratum? an de interitu reipublicæ queri non debui, ne in te ingratus viderer? At in illa querela, misera quidem et luctuosa, sed mihi pro hoc gradu, in quo me Senatus populusque Romanus collocavit, necessaria, quid est dictum à me cum contumelia? quid non moderatè? quid non amicè? Et quidem cujus temperantiæ fuit, de M. Antonio querentem, abstinere maledicto? præsertim cum tu reliquias reipublicæ dissipavisses: cum domi tuæ turpissimo mercatu omnia essent venalia: cum leges eas, quæ nunquam promulgatæ essent, et de te, et à te latas confiterere; cum auspicia augur, intercessionem Consul sustulisses; cum esse fœdissimè stipatus armatis; cum omnes impuritates pudicâ in domo quotidie susciperes, vino lustrisque [a] confectus. At ego, tanquam mihi cum M. Crasso contentio esset, quocum multæ et magnæ fuerunt, non cum uno gladiatore nequissimo, de rep. graviter querens, de homine nihil dixi. Itaque, hodie perficiam, ut intelligat quantum à me beneficium tum acceperit. At etiam literas, quas me sibi misisse diceret, recitavit, homo et humanitatis expers, et vitæ communis ignarus. Quis enim unquam, qui paululùm modo bonorum consuetudinem nosset, literas ad se ab amico missas, offensione aliqua interposita, in medium protulit, palàmque recitavit? Quid est aliud tollere è vita vitæ societatem, quàm tollere amicorum colloquia absentium? quàm multa joca solent esse in epistolis, quæ prolata si sint, inepta esse videantur? quàm multa seria, neque tamen ullo modo divulganda? Sit hoc inhumanitatis tuæ: stultitiam incredibilem videte. Quid habes, quod mihi opponas, homo diserte, ut Mustellæ Tamisio, et Tironi Numisio videris? qui cum hoc ipso tempore stent cum gladiis in conspectu Senatûs, ego quoque te disertum putabo, si osten-

a *consumptus.*

exception of Brutus and Cassius, who never submitted to Cæsar, all the conspirators had been preserved by him.

35. *Quàm miserum.*] It is truly lamentable that Cicero, a man who had deserved well of the republic, should be slain, at last, with impunity by Antony, a most abandoned citizen.

37. *De interitu Reipub.*] Antony wished to destroy the republic, as he not only claimed the chief power, which had been usurped by Cæsar, but wished to annul the laws which he had made, of which things he spoke in his first Philippic.

42. *Reliquias Reipub.*] By *reliquias Reipublicæ*, he probably means the public money laid up in the temple of Ops; which Antony claimed to himself, and made subservient to the purposes of his ambition: or the four thousand talents may be referred to, which Antony got from Calpurnia, Cæsar's wife.

43. *Turpissimo mercatu.*] Antony most basely sold the provinces, magistracies, and immunities; of which see below.

44. *De te.*] Antony wished to retain a province, according to his pleasure.

45. *Auspicia augur.*] Antony, when an augur, annulled the auspices, although the Roman people did nothing without first consulting the omens.

Ib. *Intercessionem.*] When consul, he took away the power which the tribunes had, in forbidding any law to be passed. This right had always been exercised in the republic.

47. *Pudicâ in domo.*] He says this on account of his ancestors, who were highly extolled in the republic for their virtue.

48. *Cum M. Crasso.*] Cicero was an avowed enemy to this Crassus, who was a very rich man, and who perished among the Parthians; he accused him of conspiracy with Catiline, but was reconciled to him by his son, who followed Cicero on account of his learning.

60. *Mustellæ Tamisio.*] All that we know of these men is, that they were

deris, quo modo sis eos inter sicarios defensurus. Sed quid opponas tandem, si negem me unquam istas literas ad te misisse? quo me teste convincas? an chirographo? in quo habes scientiam quæstuosam: qui possis? sunt enim librarii manu. Jam invideo magistro tuo, qui te tanta mercede, quantam jam proferam, nihil sapere doceat. Quid enim est minùs non dico oratoris, sed hominis, quàm id objicere adversario, quod ille si verbo negarit, longiùs progredi non possit qui objecerit? At ego non nego: teque in isto ipso convinco non inhumanitatis solùm, sed etiam amentiæ; quod enim verbum in istis literis est non plenum humanitatis, officii, benevolentiæ? Omne autem crimen tuum est, quòd de te in his literis non malè existimem; quòd scribam tanquam ad civem, tanquam ad bonum virum; non tanquam ad sceleratum et latronem. At ego tuas literas, etsi jure poteram à te lacessitus, tamen non proferam; quibus petis, ut tibi per me liceat quendam de exilio reducere; adjurasque id te, invito me, non esse facturum: idque à me impetras; quid enim me interponerem audaciæ tuæ, quam neque auctoritas hujus ordinis, neque existimatio populi Romani, neque leges ullæ possent coercere? Verumtamen quid erat, quod me rogares, si erat is, de quo rogabas, Cæsaris lege reductus? sed videlicet [a] meam gratiam voluit esse: in quo ne ipsius quidem ulla poterat esse, lege latâ.

REFUTATIONIS SECUNDA PARS.

Consulatum crudeliter gessisse.

III. Sed cum mihi, Patres Conscripti, et pro me aliquid, et in M. Antonium multa dicenda sint; alterum peto à vobis, ut me pro me dicentem benignè; alterum ipse efficiam, ut contra illum cum dicam, attentè audiatis: simul illud oro, si meam cum in omni vita, tum in dicendo moderationem modestiamque cognostis, ne me hodie, cum isti, ut provocavit, respondero, oblitum esse putetis mei: non tractabo ut Consulem; ne ille quidem me ut Consularem: etsi ille nullo modo Consul, vel quòd ita vivit, vel quòd ita rempublicam gerit, vel quòd ita factus est [Consul;] ego sine ulla controversia Consularis. Ut igitur intelligeretis, qualem ipse se Consulem profiteretur, objecit mihi Consulatum meum; qui Consulatus, [b] verbo meus, P. C. re vester fuit; quid enim constitui, quid gessi, quid egi, nisi ex hujus ordinis consilio, auctoritate, sententiâ? Hæc tu homo sapiens, non solùm eloquens, apud eos, quorum consilio sapientiâque gesta sunt, ausus es vituperare? Quis autem meum Consulatum, præter P. Clodium, qui vi-

a *id debere mihi.* b *nomine.*

ruffians, employed by Antony, illiterate fellows, qualified only to execute his brutal purposes.

65. *Scientiam quæstuosam.*] He says this on account of the acts of Cæsar, by counterfeiting whose writing Antony produced many things, as if they had been written by Cæsar.

66. *Librarii manu.*] They were written by a scribe, or an amanuensis.

Ib. *Jam invideo magistro tuo.*] He says this satyrically.

76. *Quendam de exilio.*] Sextus Clodius, the son of Publius, was then in exile, of whom it is probable Cicero here speaks.

78. *Quid me interponerem.*] Cicero would not resist Antony requesting this, because he knew that Clodius was to have been recalled by a law, already reported by Cæsar, which was found among his acts, and that Antony would bring him back.

15. *Publium Clodium.*] He was very inimical to Cicero, as may be gathered from most of his orations, and condemned

superaret, inventus est? cujus quidem tibi factum, sicuti C. Curioni, [a] manet: quoniam id domi tuæ est, quod fuit illorum utrique fatale. Non placet M. Antonio Consulatus meus: at placuit P. Servilio, ut eum primum nominem ex illius temporis Consularibus, qui proximè est mortuus: placuit Q. Lutatio Catulo, cujus semper in hac republica vivet auctoritas: placuit duobus Lucullis, M. Crasso, Q. Hortensio, C. Curioni, M. Lepido, C. Pisoni, M. Glabrioni, L. Volcatio, C. Figulo, D. Silano, et L. Murænæ, qui tum erant Consules designati: placuit idem, quod Consularibus, M. Catoni: qui cum multâ, vitâ excedens, [b] providit, tum quòd te Consulem non vidit. Maxime vero Consultum meum Cn. Pompeius probavit: qui ut me primum decedens ex Syria vidit, complexus et gratulans, meo beneficio patriam se visurum esse dixit. Sed quid singulos commemoro? frequentissimo Senatui sic placuit, ut esset nemo, qui non mihi ut parenti gratias ageret, qui non mihi vitam suam, liberos, fortunas, rempublicam referret acceptam: Sed quoniam illis, quos nominavi, tot et talibus viris respublica orbata est, veniamus ad vivos, qui duo è Consulari numero reliqui sunt. L. Cotta, vir summo ingenio, summâque

a *impendet tibi.* b *prospexit.*

him, because, as he said, he had put citizens to death uncondemned, viz. those who were accomplices in the Catilinarian conspiracy.

16. *Sicuti C. Curioni.*] Curio, having driven Cato out of Sicily, marched with the best part of four legionis into Africa against Varus; who, strengthened by a junction with Juba, had reduced the whole province to his obedience. Upon his landing, he met with some success; but was afterwards entirely defeated and slain near the river Bragada by Sabura, Juba's general.

17. *Utrique fatale.*] Meaning Fulvia, who was first married to Clodius; concerning whom see the oration against Milo, next to Curio above-mentioned, and lastly to Antony.

18. *Placuit P. Servilio.*] This Servilius conquered the Isaurians in Cilicia, and thence obtained the name Isauricus. He died at an extreme old age, when Cæsar was consul the fifth time, and Antony was his colleague.

21. *Duobus Lucullis.*] Lucius and Marcus Lucullus were both men of consular dignity. Lucius was older than Pompey, and managed affairs well against Mithridates: he was very rich, and had gardens much celebrated for their magnificence.

Ib. *M. Crasso.*] M. Licinius Crassus was much famed for his riches: how much he approved of Cicero's consulship, may be seen from Cicero himself; who, speaking of his consulship to Atticus, says that he said, *quod esset Senator, quod civis, quod liber, quod viveret, mihi acceptum referre; quoties conjugem, quoties domum, quoties patriam videret, beneficium meum videre.*

22. *C. Curioni.*] Cicero speaks of this Curio, the father, in *lib. de Clar. Orat.* He was consul thirteen years before Cicero.

Ib. *M. Lepido.*] Lepidus was master of Cæsar's horse, and afterwards one of the triumvirs.

Ib. *C. Pisoni.*] The brother of Lucius Piso, Cæsar's father-in-law.

Ib. *Glabrioni.*] He was consul four years before Cicero, who, in his epistle to Atticus, names him as one of those who spoke against Catiline.

Ib. *L. Volcatio.*] He was consul three years before Cicero.

23. *Figulo.*] Cicero wrote to this Figulus, Epist. *lib.* 14; he was a man of the greatest probity and power, and was consul in the year in which Cicero was elected.

Ib. *D. Silano.*] D. Junius Silanus and Muræna were consuls elect; when Cicero was consul, he defended the latter in court.

24. *M. Catoni.*] Marcus Cato, otherwise Uticensis, never rose higher than the prætorship; and, for that reason, is not ranked here among those of consular dignity.

25. *Te Consulem non vidit.*] Cicero considers Antony's consulship among the calamities of the republic.

26. *Cn. Pompeius.*] As soon as Pompey returned from Asia, he gave thanks to Cicero; affirming, that he would in vain have sought a triumph, unless Cicero had preserved a city in which he might triumph,

33. *L. Cotta.*] L. Aurelius Cotta was a man of the greatest prudence and virtue:

prudentiâ, rebus iis gestis, quas tu reprehendis, supplicationem decrevit verbis amplissimis: eique illi, quos modo nominavi, Consulares, Senatusque cunctus assensus est; qui honos post conditam hanc urbem habitus est togato ante me nemini. L. Cæsar, avunculus tuus, quâ oratione, quâ constantiâ, quâ gravitate sententiam dixit in sororis suæ virum, vitricum tuum? hunc tu cum auctorem, et præceptorem omnium consiliorum, totiusque vitæ debuisses habere, vitrici te similem, quàm avunculi esse maluisti: hujus ego alienus consiliis Consul usus sum: tu sororis filius, ecquid ad eum unquam de republica retulisti? At ad quos refert? dii immortales! ad eos scilicet, quorum nobis etiam dies natales audiendi sunt. Hodie non descendit Antonius: cur? dat natalitia in hortis; cui? neminem nominabo: putate eum Phormioni alicui, tum Gnathoni, tum Ballioni. O fœditatem hominis flagitiosam! ô impudentiam, nequitiam, libidinem non ferendam! tu cum principem Senatorem, civem singularem, tam propinquum habeas, ad eum de republ. nihil referas; ad eos referas, qui suam rem nullam habent, tuam exhauriunt? Tuus videlicet salutaris Consulatus, perniciosus meus: adeone pudorem cum pudicitia perdidisti, ut hoc in eo templo dicere ausus sis, in quo ego Senatum illum, qui quondam florens orbi terrarum præsidebat, consulebam: tu homines perditissimos cum gladiis collocasti? At etiam ausus es (quid autem est, quod tu non audeas? clivum Capitolinum dicere, me consule, plenum servorum armatorum fuisse; ut illa, credo, nefaria Senatusconsulta fierent, vim adferebam Senatui. O miser, sive illa tibi nota non sunt (nihil enim boni nôsti) sive sunt, qui apud tales viros tam impudenter loquare! Quis enim eques Romanus, quis præter te adolescens nobilis, quis ullius ordinis, qui se civem esse meminisset, cùm Senatus in hoc templo esset, in clivo Capitolino non fuit? quis nomen non dedit? quanquam nec scribæ sufficere, nec tabulæ nomina illorum capere potuerunt. Etenim cum homines nefarii de patriæ parricidio confiterentur, consciorum indiciis, sua manu, voce penè

he was consul two years before Cicero.

34. *Supplicationem decrevit.*] See the preceding oration, *paragra.* 3. *not. ad l.* 9.

37. *L. Cæsar.*] This Lucius Cæsar was consul immediately before Cicero.

Ib. *Avunculus.*] A mother's brother was called *avunculus;* and, a father's, *patruus.*

39. *Vitricum tuum.*] Antony's mother, Julia, was sister to Lucius Cæsar. After the death of Antony's father, she married Lentulus Sura, who was put to death in Cicero's consulship, for being concerned in Catiline's conspiracy.

41. *Avunculi.*] L. Cæsar.

44. *Dies natales audiendi sunt.*] Birthdays were celebrated among the Romans with feasts of the greatest magnificence.

Ib. *Non descendit Antonius.*] Antony did not come into the senate, because he was hindered by feasts of this kind; which he celebrated not on account of his own birth, but that of some friendly parasite.

46. *Phormioni,* &c.] Parasitical characters, put for parasites in general. *See Terence and Tacitus.*

48. *Principem Senatorem.*] Lucius Cæsar was his uncle.

52. *In eo templo.*] In the temple of *Concordia,* or in the senate house, which was sacred, and therefore often called a temple.

55. *Clivum Capitolinum.*] The hill, on the top of which the capitol and citadel, and the temple of Jupiter stood.

56. *Nefaria Senatusconsulta.*] He ironically intends those decrees which were made concerning the conspirators, by which the republic was freed, and the conspirators punished.

61. *Capitolino non fuit?*] As soon as any danger of sedition or tumult arose, the Roman citizens went to the capitol that they might defend the city.

Ib. *Quis nomen non dedit?*] The soldiers first gave in their names, after which, a choice was made; and, lastly, they were bound by the military oath.

64. *Consciorum indiciis.*] Besides many

literarum coacti, se urbem inflammare, cives trucidare, vastare Italiam, delere rempublicam consensisse; quis esset, qui ad salutem communem defendendam non excitaretur? præsertim cùm Senatus populusque Romanus haberet ducem, qualis si quis nunc esset, tibi idem, quod illis accidit, contigisset.

IV. Ad sepulturam corpus vitrici sui negat à me datum. Hoc verò ne P. quidem Clodius dixit unquam: quem, quia jure ei fui inimicus, doleo à te jam omnibus vitiis esse superatum. Quid autem tibi venit in mentem [a] redigere in memoriam nostram, te domi P. Lentuli esse educatum? an verebare, ne non putaremus naturâ te potuisse tam improbum evadere, nisi accessisset etiam disciplina? Tam autem eras [b] excors, ut tota in oratione tua tecum ipse pugnares: ut non modò non cohærentia inter se diceres, sed maximè disjuncta, atque contraria: ut non tanta mecum, quanta tecum, tibi esset contentio. Vitricum tuum in tanto fuisse scelere fatebare, pœnâ affectum querebare. Ita, quod propriè meum est, laudasti; quod totum Senatûs est, reprehendisti: nam comprehensio sontium, mea; animadversio, Senatûs fuit: homo disertus non intelligit eum, quem contra dicit, laudari à se; eos, apud quos dicit, vituperari. Jam illud cujus est non dico audaciæ (cupit enim se audacem dici) sed, quod minimè vult, stultitiæ, quâ vincit omnes, clivi Capitolini mentionem facere, cùm inter subsellia nostra versentur armati? cùm in hac cellâ Concordiæ, ô dii immortales! in quâ, me Consule, salutares sententiæ dictæ sunt, quibus ad hanc diem viximus, cum gladiis homines collocati stent? Accusa Senatum: accusa equestrem ordinem, qui tum cum Senatu copulatus fuit: accusa omnes ordines, cives, dum confiteare hunc ordinem, hoc ipso tempore ab Ityræis circumsederi. Hæc tu non propter audaciam dicis tam impudenter, sed, quia tantarum rerum repugnantiam non videas: nihil profectò sapis; quid est enim dementius, quàm, cùm ipse reipublicæ perniciosa arma ceperis, objicere alteri salutaria? At etiam quodam loco facetus esse voluisti: quàm id te, dii boni! non decebat? in quo est tua culpa nonnulla; aliquid enim [c] salis ab uxore mimâ trahere potuisti: *Cedant arma togæ;* quid tum? nonne cesserunt? At postea tuis armis cessit toga. Quæramus igitur utrum melius fuerit, libertati populi Romani sceleratorum arma,

a *revocare.* b *stultus.* c *facetiarum.*

others, a certain Ceparius, on the guarantee of the public faith, laid open the whole conspiracy, wherefore the conspirators were condemned by their own confession.

68. *Haberet ducem.*] Cicero extinguished this conspiracy as soon as discovered, and was a leader to the senate and people.

1. *Ad sepulturam.*] Antony, it seems, had objected to Cicero, that he refused burial to the corps of Lentulus Sura; but Plutarch, in the life of M. Antony, shows that this charge was groundless.

4. *Domi Lentuli.*] This Lentulus was a nobleman, but polluted with every kind of vice.

22. *Ityræis.*] Jews, so called from a province of Palestine having that name, whom Antony, when he served under Gabinius the proconsul, brought with him to Rome, as persons every way qualified to execute his brutal and ambitious purposes.

28. *Ab uxore mimâ.*] This was Cytheris, one of Antony's mistresses, whom he is said to have carried along with him in his military expeditions. Some commentators think she is the same person who is mentioned by Virgil in those lines, *Ecl. 10th:*

Galle quid insanis? inquit: tua cura Lycoris,
Perque nives alium, perque horrida castra secuta est.

She was called Volumnia, too, from Volumnius Eutrapelus, who was acquainted

an libertatem nostram armis tuis cedere? Nec verò tibi de versibus plura respondebo: tantùm dicam breviter, te neque illos, neque ullas omnino literas nosse: me nec reipublicæ, nec amicis unquam defuisse, et tamen omni genere monumentorum meorum perfecisse operis subsecivis, ut meæ [a] vigiliæ meæque literæ et juventuti utilitatis, et nomini Romano laudis aliquid adferrent.

TERTIA PARS.

Auctorem fuisse multorum scelerum Antonium.

V. Sed hæc non hujus temporis: majora videamus. P. Clodium meo consilio interfectum esse, dixisti. Quidnam homines putarent, si tum occisus esset, cùm tu illum in foro, inspectante populo Romano, gladio scricto insecutus es: negotiumque [b] transegisses, nisi ille se in scalas tabernæ librariæ conjecisset, hisque [c] oppilatis impetum tuum [d] compressisset? Quod quidem ego favisse me tibi fateor, suasisse ne tu quidem dicis; at Miloni ne favere quidem potui; priùs enim rem transegit, quàm quisquam eum id facturum suspicaretur. At ego suasi. Scilicet is animus erat Milonis, ut prodesse reipublicæ sine suasore non posset. At lætatus sum; quid ergo? in tanta lætitia cunctæ civitatis me unum tristem esse oportebat? Quanquam de morte P. Clodii fuit quæstio non satis prudenter illa quidem constituta: quid enim attinebat nova lege quæri de eo, qui hominem occidisset, cùm esset legibus quæstio constituta? quæsitum est tamen. Quod ergo, cùm res agebatur, nemo in me dixit; id tot annis post tu es inventus, qui diceres? Quod verò dicere ausus es, idque multis verbis, operâ meâ Pompeium à Cæsaris amicitia esse disjunctum, ob eamque causam meâ culpâ civile bellum esse natum: in eo non tu quidem tota re, sed, quod maximum est, temporibus errasti. Ego M. Bibulo, præstantissimo cive, Consule, nihil prætermisi, quantum facere enitique potui, quin Pompeium à Cæsaris conjunctione avocarem: in quo Cæsar fuit felicior; ipse enim Pompeium à meâ familiaritate disjunxit. Postea vero quàm se totum Pompeius Cæsari tradidit, quid ego illum ab eo distrahere conarer? stulti erat sperare: suadere

a *elucubrationes.* b *confecisses.* c *clausis.* d *repressisset.*

with her before Antony. She had indeed various names, which is no uncommon thing with ladies of her character.

34. *Monumentorum meorum.*] As Cicero's books, which he had written on every subject were to be handed down to posterity, they were correctly called monuments.

12. *Fuit quæstio.*] Cicero spoke at large concerning the law, which Pompey had made, in his oration for Milo.

Ib. *Non satis prudenter.*] It was useless to institute an inquiry into the death of Clodius, as that had already been done by the law of the twelve tables.

18. *Non quidem tota re.*] Cicero, at first, was unfriendly to a close intimacy between Pompey and Cæsar, believing that a union of interest between them would be unfavourable to the interest of the republic; but he never intended that it should be carried so far as to terminate in an open rupture. Cicero was always friendly to measures of a pacific character, and, in all his proceedings, was actuated by the purest and most patriotic motives.

19. *M. Bibulo.*] This Marcus Bibulus was consul with Cæsar, who assumed all the power of his consulship, and even prohibited his colleague from entering the senate. There was then a compact between Cæsar, Crassus, and Pompey, by whose will the whole republic was governed. But still all good citizens wished for the time when Cæsar should be separated from Pompey.

23. *Pompeius Cæsari tradidit.*] Pompey married Julia, the daughter of Cæsar, by

impudentis. Duo tamen tempora inciderunt, quibus aliquid contra Cæsarem Pompeio suaserim: ea velim reprehendas, si potes: unum, ne quinquennii imperium Cæsari prorogaret: alterum, nè pateretur fieri, ut absentis ejus ratio haberetur: quorum si utrumvis persuasissem, in has miserias nunquam incidissemus. Atque idem ego, cùm jam omnes opes et suas, et populi Rom. Pomepius ad Cæsarem detulisset, seròque ea sentire cœpisset, quæ ego ante multò provideram, inferrique patriæ bellum nefarium viderem; pacis, concordiæ, compositionis auctor esse non destiti: meaque illa vox est nota multis, UTINAM, Cn. Pompei, cum C. Cæsare societatem aut nunquam [a] coïsses, aut nunquam diremisses! fuit alterum gravitatis, alterum prudentiæ tuæ. Hæc mea, M. Antoni, semper et de Pompeio, et de republica consilia fuerunt; quæ si valuissent, respublica staret; tu tuis flagitiis, egestate, infamia, concidisses. Sed hæc vetera: illud verò recens Cæsarem meo consilio interfectum. Jam vereor, Patres Conscripti, ne, quod turpissimum est, prævaricatorem mihi apposuisse videar, qui me non solum meis laudibus ornaret, sed etiam oneraret alienis: quis enim [b] meum in ista societate gloriosissimi facti nomen audivit? cujus autem qui in eo numero fuisset, nomen est occultatum? occultatum dico? cujus non statim divulgatum? citiùs dixerim jactâsse se aliquos, ut fuisse in ea societate viderentur, cùm conscii non fuissent, quàm ut quisquam celari vellet qui fuisset. Quàm verisimile porrò est, in tot hominibus partim obscuris, partim adolescentibus, neminem occultantibus, meum nomen latere potuisse? Etenim si auctores ad liberandam patriam [c] desiderarentur illis auctoribus, Brutos ego impellerem, quorum uterque L. Bruti imaginem quotidie videret, alter etiam Ahalæ! Hi igitur his majoribus orti ab alienis potiùs consilium peterent, quàm à suis? et foris potius, quàm domo? Quid? C. Cassius, in eâ

a *conjunxisses.* b *nominari me.* c *non essent.*

which means their friendship, during her life time, was strengthened.

27. *Ne quinquennii imperium.*] Cæsar had obtained both the Gauls and Illyricum for five years, by the Vatinian law; after the termination of which period, the same command was prolonged for as many years more. When Cato opposed this law, he was thrown into chains by Trebonius, a tribune of the people.

28. *Absentis ejus ratio haberetur.*] Pompey, when he was consul the third time, in the year 701, procured a law empowering Cæsar to offer himself as a candidate for the consulship, without appearing personally at Rome for that purpose. This was contrary to the fundamental principles of the Roman constitution, and proved, in the event, the occasion of its being utterly destroyed, as it furnished Cæsar with the only specious pretence for turning his arms against the republic.

30. *Opes et suas, et pop. Rom*] Pompey sent two legions into Gaul, to Cæsar.

35. *Alterum gravitatis.*] It was consistent with Pompey's dignity not to break off the frendship once entered into, and with his prudence not to have formed it, but to have foreseen the evils which would follow.

41. *Sed etiam alienis.*] Brutus Cassius, and the others who slew Cæsar, were worthy of great praise, because they had removed the disturber of the republic. Antony wished Cicero to become a partaker of the same praise, when he said that he was the author of that murder.

49. *Brutos ego impellerem.*] Cicero wishes to show that there was no need to impel Brutus to kill Cæsar, as he had domestic impulses. For M. Brutus had the example of his ancestor Junius Brutus, who, in the early period of the Roman empire, cast out the Tarquins; and of Servilius Ahala, from whom he was decended by his mother's side, who slew Spurius Melius in the midst of the forum, seeking after the kingdom, by largesses of corn; on account of which he received the greatest praise from Cincinnatus the dictator.

52. *Quàm domo?*] Brutus was excited to that crime by his ancestors, whose images he had in his house.

familiâ natus, quæ non modò dominatum, sed ne potentiam quidem cujusquam ferre potuit, me auctorem, credo, desideravit: qui etiam sine his clarissimis viris hanc rem in Cilicia, ad ostium fluminis Cydni, confecisset, si ille ad eam ripam, quam constituerat, non ad contrariam, naves appulisset. Cn. Domitium non patris interitus, clarissimi viri, non avunculi mors, non spoliatio dignitatis, ad recuperandam libertatem, sed mea auctoritas excitavit? An C. Trebonio ego persuasi, cui ne suadere quidem ausus essem? quo etiam majorem ei respublica gratiam debet, qui libertatem populi Romani unius amicitiæ præposuit; depulsorque dominatûs quàm particeps esse maluit. An L. Tullius Cimber me est auctorem secutus? quem ego magìs fecisse illam rem sum admiratus, quàm facturum putavi; admiratus sùm autem ob eam causam, quòd immemor beneficiorum, memor patriæ fuisset. Quid duos Servilios, Cascas dicam, an Ahalas? et hos auctoritate meâ censes excitatos potiùs, quàm caritate reipublicæ? Longum est persequi cæteros: idque reipublicæ præclarum, fuisse tam multos, ipsis gloriosum. At quemadmodum me coarguerit homo acutus, recordamini. Cæsare interfecto, inquit, statim cruentum altè extollens M. Brutus pugionem, Ciceronem nominatim exclamavit, atque ei recuperatam libertatem est gratulatus. Cur mihi potissimùm? [a] quòd sciebam? Vide ne illa causa fuerit appellandi mei, quòd cùm rem gessisset consimilem rebus eis, quas ipse gesseram, me potissimùm testatus est, se æmulum mearum laudum exstitisse. Tu autem, omnium stultissime, non intelligis, si id, quod me arguis, voluisse interfici Cæsarem, crimen sit; etiam lætatum esse morte Cæsaris crimen esse? quid enim interest inter suasorem facti, et probatorem? aut quid refert utrum voluerim fieri, an gaudeam factum? ecquis est igitur, te excepto, et iis qui illum regnare gaudebant, qui illud aut fieri noluerit, aut factum improbarit? omnes enim in culpâ; etenim omnes boni, quantum in ipsis fuit, Cæsarem occiderunt: aliis consilium, aliis animus, aliis occasio defuit; voluntas nemini. Sed stuporem hominis,

a *an quia noveram?*

Ib. *Cassius, in eâ familiâ natus.*] Cassius was descended from the celebrated C. Cassius, who put his own son to death, because he was suspected of forming designs against the state.

55. *His clarissimis viris.*] He intends the two Brutuses, who, with M Junius, had slain Cæsar in the senate.

Ib. *In Cilicia.*] When Cæsar pursued Pompey, after the battle of Pharsalia, he came to the Helespont, where Cassius came to meet him, and gave him thirty galleys with three oars, whereas he had before thought of killing him.

Ib. *Cydni.*] Cydnus is a river in Cilicia, flowing by the city Tarsus, the water of which is very cold.

57. *Cn. Domitium.*] Suetonius gives a very great character of this Domitius. He was son to L. Domitius, who fell in the battle of Pharsalia, and nephew to Cato Uticensis.

58. *Non avunculi mors.*] Domitius' mother was sister to Cato Uticensis. M. Bibulus married Cato's other sister.

59. *An C. Trebonio.*] Trebonius favoured Cæsar's party, and was most friendly to him.

63. *L. Tullius Cimber.*] Seneca, in his epistles to Lucullus, says that this Cimber was a notorious drunkard; and that, nevertheless, the secret of Cæsar's death was as much intrusted to him as it was to Cassius, who all his life had drunk nothing but water.

66. *Duos Servilios.*] P. Servilius, the father, was consul in the year 706; who having taken some towns in Isauria, assumed the name of Isauricus. His son was twice consul.

74. *Consimilem.*] Cicero had saved his country from conflagration, and the supposed conspiracy of Catiline; and Brutus had freed it from the dominion of Cæsar.

83. *Stuporem hominis.*] Antony is so stupid, that he praises Brutus, the author

vel dicam pecudis, attendite; sic enim dixit: M. BRUTUS, QUEM EGO HONORIS CAUSA NOMINO, CRUENTUM PUGIONEM TENENS, CICERONEM EXCLAMAVIT: EX QUO INTELLIGI DEBET, EUM CONSCIUM FUISSE. Ergò ego sceleratus appellor à te, quem tu suspicatum aliquid suspicaris: ille qui [a] stillantem præ se pugionem tulit, is à te honoris causâ nominatur?

VI. Esto: sit in verbis tuis hic stupor; quanto in rebus sententiisque major: Constitue hoc, Consul, aliquando: Brutorum, C. Cassii, Cn. Domitii, C. Trebonii, reliquorum quam velis esse causam: [b] edormi crapulam, inquam, et exhala: an faces admovendæ sunt, quæ te excitent tantæ causæ indormientem? nunquam-ne intelliges, statuendum tibi esse, utrum illi, qui istam rem gesserunt, homicidæ sint, an vindices libertatis? Attende enim paulisper, cogitationemque sobrii hominis ad punctum temporis suscipe; etenim ego, qui sum illorum, ut ipse fateor, familiaris, ut à te arguor, [c] socius, nego quidquam esse medium: confiteor eos, nisi liberatores populi Romani, conservatoresque reipublicæ sint, plus quàm sicarios, plus quàm homicidas, plus etiam quàm parricidas esse: siquidem est atrocius patriæ parentem, quàm suum occidere. Tu, homo sapiens et considerate, quid dicis? si parricidæ; cur honoris causâ à te sunt, et in hoc ordine, et apud populum Romanum, semper appellati? cur M. Brutus, te referente, legibus est solutus, si ab urbe plus quàm decem dies abfuisset? cur ludi Apollinares incredibili M. Bruti honore celebrati? cur provinciæ Cassio et Bruto datæ? cur Quæstores additi? cur legatorum numerus auctus? Atque hæc acta per te; non igitur homicidæ: sequitur ut liberatores tuo judicio sint; quandoquidem tertium nihil potest esse. Quid est? num conturbo te? non enim fortassè satìs, quæ distinctiùs dicuntur, intelligis; sed tamen hæc est summa conclusionis meæ: quoniam scelere à te liberati sunt, ab eodem te amplissimis præmiis dignissimi judicati sunt. Itaque jam [d] retexo orationem meam, scribam ad illos, ut si qui fortè, quod à te mihi objectum est, quærent, sit-ne verum: ne cui negent: etenim vereor, aut ne celatum

a *cruentum*. b *concoque*. c *conscius*. d *muto*.

of Cæsar's death, and reproaches Cicero, who only approved of it.

2 *Consul.*] As Antony was then consul, it was his duty either to give his own opinion first concerning the republic, or to ask others to speak.

3. *Quam velis esse causam.*] He asks Antony, to determine whether the cause of those who slew Cæar was good or bad.

12. *Atrocius patriæ parentem.*] It is more atrocious to kill the parent of our country than our own parent, because he who kills his own parent, only injures himself and his parent whom he kills; but he, who kills the father of his country injures the community at large.

16. *Legibus est solutus.*] It was determined by law, that the prætor should not be absent more than ten days from the city, but Antony had reported in the senate concerning Brutus, that it might be lawful for him to be absent, as he was set over the corn, and thus he was freed from the necessity of the laws.

17. *Ludi Apollinares.*] These were celebrated in honour of Apollo, and when Rome was desolated with pestilence, the people, crowned with laurel, attended them.

Ib. *Cur provinciæ Cassio et Bruto.*] Macedonia had been decreed to Brutus, and Syria to Cassius; but, when Antony of his own accord gave them to Dolabella, Crete was given to Cassius, and Bythinia to Brutus.

18. *Quæstores additi.*] Quæstors followed the proconsuls into the provinces to manage the money affairs.

Ib. *Legatorum numerus.*] The lieutenants were deputies of the proconsuls; there were commonly ten of them, who commanded the legions and auxiliaries.

25. *Scribam ad illos.*] Hitherto Cicero

me illis ipsis non honestum; aut invitatum refugisse mihi sit turpissimum. Quæ enim res unquam (proh sancte Jupiter!) non modò in hac urbe, sed in omnibus terris est gesta major? quæ gloriosior? quæ commendatior hominum memoriæ sempiternæ? in hujus me consilii societatem, tanquam in equum Trojanum cum principibus includis? non recuso. Ago etiam gratias, quoquo animo facis; tanta enim res est, ut invidiam istam, quam tu in me vis concitare, cum laude non comparem. Quid enim beatius illis, quos tu expulsos à te prædicas et relegatos? qui locus est aut tam desertus, aut tam inhumanus, qui illos, quò accesserint, non affari atque appetere videatur? qui homines tam agrestes, qui se, cùm eos adspexerint, non maximum cepisse vitæ fructum putent? quæ verò tam immemor posteritas, quæ tam ingratæ literæ reperientur, quæ eorum gloriam non immortalitatis memoriâ prosequantur? Tu verò adscribe me talem in numerum. Sed unam rem vereor, ne non probes: si enim fuissem, non solum regem, sed regnum etiam de republicâ sustulissem: et si meus [a] stilus ille fuisset (ut dicitur) mihi crede non solum unum actum, sed totam fabulam confecissem. Quanquam si interfici Cæsarem voluisse crimen est, vide quæso, Antoni, quid tibi futurum sit; quem et Narbone hoc consilium cum C. Trebonio cepisse notissimum est, et ob ejus consilii societatem, cùm interficeretur Cæsar, tum te à Trebonio vidimus sevocari. Ego autem (vide quàm tecum agam non inimice) quod benè cogitâsti aliquando, laudo; quod non indicasti, gratias ago; quod non fecisti, ignosco; virum res illa quærebat. Quòd si te in judicium quis adducat, usurpetque illud Cassianum, CUI BONO FUERIT, vide, quæso, ne [b] hæreas; quanquam illud quidem fuit, ut tu dicebas, omnibus Bono, qui servire nolebant; tibi tamen præcipuè, qui non

a *pugio*. b *vincaris*.

had denied that he was engaged in the conspiracy against Cæsar. He now ironically says, that he was engaged in it, and that he would write to Brutus and Cassius to disclose the whole matter.

31. *In equum Trojanum.*] The wooden horse, by means of which Troy was taken by the Greeks. *Vide Virgil. lib.* 2. *Ænied.* Pliny lib. 7. thinks that this famous horse was only a battering ram, of which Epeus was the constructor, and by means of which a breach was effected in the wall.

43. *Non solum unum actum, sed totam fabulam.*] Cicero here declares, that if he had been concerned in the plot against Cæsar, he should not have left his work imperfect. He frequently reproaches the conspirators with having committed a capital mistake in sparing Antony when they destroyed Cæsar. But it may be affirmed, and upon the authority of Cicero himself, that nothing could have been more unjustifiable than to have rendered Antony a joint victim with Cæsar.

45. *Narbone.*] Narbo, which was also called Martius, was a very ancient city of Gaul, from which one of the provinces took itsname.

Ib. *Hoc consilium.*] We learn from Plutarch, in his life of Antony, that when the conspirators were deliberating among themselves about killing Cæsar, it was a subject of debate whether they should invite Antony to assist in the execution of their design, and that Trebonius opposed the motion, and said that he was no stranger to Antony's sentiments in regard to the affair, as he had already endeavoured to persuade him to it at that time when Cæsar was returning from Spain. Trebonius represented, at the same time, that Antony refused to comply with what he proposed, but that he had nevertheless kept the secret faithfully. Cicero gives a different account of the matter, he affirms that Antony entered into the design against Cæsar, but that he had not courage to assist in the execution of it.

48. *Sevocari*] When the conspirators consulted about the death of Cæsar, Trebonius was appointed to stop Antony and call him to one side, at the entrance of the senate house, for they feared the consular power in him.

50. *Virum res illa quærebat.*] It required a brave and honest man, which Antony was not, to undertake such an action, for

modò non servis, sed etiam regnas: qui maximo te ære alieno ad ædem Opis liberâsti: qui per easdem tabulas innumerabilem pecuniam dissipavisti: ad quem è domo Cæsaris tam multa delata sunt: cujus domus quæstuosissima est falsorum commentariorum et chirographorum officina, agrorum, oppidorum, immunitatum, vectigalium, flagitiosissimæ nundinæ. Etenim quæ res egestati et æri alieno tuo, præter mortem Cæsaris, subvenire potuisset? Nescio quid conturbatus esse mihi videris; nunquid subtimes, ne ad te hoc [a] crimen pertinere videatur? libero te metu; nemo credet unquam: non est tuum de republicâ bene mereri: habet istius pulcherrimi facti clarissimos viros respublica auctores: ego te tantùm gaudere dico, fecisse non arguo. Respondi maximis criminibus: nunc etiam reliquis respondendum est.

VII. Castra mihi Pompeii atque omne illud tempus objecisti; quo quidem tempore, si, ut dixi, meum consilium auctoritasque valuisset, tu hodie egeres, non liberi essemus; respublica non tot duces et exercitus amisisset. Fateor enim, me, cûm ea, quæ accidêrunt providerem futura, tantâ in mœstitiâ fuisse, quantâ cæteri optimi cives, si idem providissent, fuissent. Dolebam, dolebam, P. C. rempublicam vestris quondam meisque consiliis conservatam, brevi tempore esse perituram. Neque vero eram tam indoctus ignarusque rerum, ut frangerer animo propter viæ cupiditatem, quæ me manens conficeret angoribus, dimissa molestiis omnibus liberaret; illos ego præstantissimos viros, lumina reipublicæ, vivere volebam, tot Consulares, tot Prætorios, tot honestissimos Senatores, omnem præterea florem nobilitatis ac juventutis, tum optimorum civium exercitus: qui si viverent, quamvis iniquâ conditione pacis (mihi enim pax omnis cum civibus bello civili utilior videbatur) rempublicam hodie teneremus. Quæ sententia si valuisset, ac non ii maximè mihi, quorum ego vitæ consulebam, spe victoriæ elati obstitissent; ut alia omitam tu certè

a *accusatio.*

he only studied his own interest and neglected the republic.

54. *Ad ædem Opis.*] He spoke of that house and temple in the former oration. The Roman treasury which Antony had plundered was kept in it.

55. *Per easdem tabulas.*] He either intends the tablets of Cæsar, or the books of the same creditors, for his old debts being paid, Antony renewed his accounts with the same creditors, and again borrowed money from the same persons to spend in dissipation.

56. *Ad quem è domo Cæsaris.*] After Cæsar's death all his friends fled to Antony, and Calpurnia, his wife, brought the money which he had left.

57. *Falsorum commentariorum.*] Antony corrupted the commentaries of Cæsr, and produced them in such a form as as to suit his own purposes.

63. *Clarissimos viros.*] Brutus, Cassius, and the other conspirators.

64. *Tantùm gaudere.*] There was a reason why Antony should rejoice in the death of Cæsar, as he had reaped the greatest advantage from it, for hence he drew forth a treasury from his adulterated commentaries, he gave provinces to whoever he pleased, &c.

1. *Castra Pompeii.*] Antony objects to Cicero, that, having followed Pompey, he disturbed every thing in his camp; this Cicero denies.

3. *Non liberi essemus.*] When Cicero came into Pompey's camp, and found every thing there in confusion, he advised to a peace, which being once settled, the ancient liberty of the republic might be restored.

Ib. *Tot duces.*] In that war Pompey, Cato, Petreius, and Afranius, all most excellent men, perished.

14. *Iniquâ conditione pacis.*] It was more desirable to Cicero, that the power should return to Cæsar, than that so many excellent men should perish.

16. *Ac non ii maxime.*] Pompey and Ci-

nunquam in hoc ordine, vel potius nunquam in hac urbe mansisses. At verò Cn. Pompeii voluntatem à me abalienabat oratio mea: an ille quemquam plus dilexit? cum ullo aut sermones, aut consilia [a] contulit sæpius? quod quidem erat magnum, de [b] summâ rep. dissentientes, in eâdem consuetudine amicitiæ permanere: sed et ego quid ille, et contrà ille quid ego et sentirem et spectarem, videbat; ego incolumitati civium primùm, ut postea dignitati possemùs! ille præsenti dignitati potius consulebat: quod autem habebat uterque quod sequeretur, idcircò tolerabilior erat nostra dissensio. Quid vero ille singularis vir ac penè divinus de me senserit, sciunt qui eum de Pharsalicâ fugâ Paphum persecuti sunt; nunquam ab eo mentio de me, nisi honorifica, nisi plena amicissimi desiderii, cùm me vidisse plus fateretur, se speravisse meliora; et ejus viri nomine me insectari audes, cujus me amicum, te sectorem esse fateare? Sed omittatur bellum illud, in quo tu nimiùm felix fuisti. Ne jocis quidem respondebo, quibus me in castris usum esse dixisti: erant illa quidem castra plena curæ; verùm tamen homines, quamvis in [c] turbidis rebus sint, tamen, si modo homines sunt, interdum animis relaxantur. Quod autem idem mœstitiam meam reprehendit, idem jocum; magno argumento est, me in utroque fuisse moderatum. Hæreditates mihi negâsti venire. Utinam hoc tuum verum [d] crimen esset! plures amici mei et necessarii viverent: sed quî istuc tibi venit in mentem? Ego enim ampliùs H. S. ducentis acceptum hæreditatibus retuli. Quanquam in hoc genere fateor feliciorem esse te: me nemo, nisi amicus, fecit hæredem, ut cum illo commodo, si quod erat, animi quidam dolor jungeretur; te is, quem tu vidisti nunquam, L. Rubrius Cassinas

a *communicavit.* b *pace.* c *tristibus.* d *maledictum,* sive *criminatio.*

cero thought that the war should be prolonged; but the senate and almost all the knights impelled him on, and forced Pompey to fight contrary to his wish, promising him a most certain victory.

19. *At vero Cn. Pompeii.*] Antony had objected to Cicero, that Pompey was alienated from him when in his camp, because he would not refrain from his jests whilst in the army; but Cicero denies this.

22. *Sed et ego quid ille.*] Pompey wished to make no peace with Cæsar; Cicero persuaded to it. Pompey considered his own dignity, which he wished to defend with the force of arms, even at the risk of the republic; Cicero wished for safety and dignity without danger.

28. *Paphum.*] Pompey, after the battle of Pharsalia, fled to paphus, a town of Cyprus, built by Agapenor.

31. *Te sectorem.*] Cicero here calls Antony the sequestrator of Pompey, because he had purchased his goods at auction, when no other person, sufficiently impudent for such an action, could be found.

32. *Ne jocis quidem.*] Cicero was sometimes cheerful, and sometimes splenetic. When Pompey put him in mind of his coming so late to them.—"How can I come late," said he, "when I find nothing in readiness among you?" And, when Pompey told him that the victory was in his hands, he answered, "If your business is with women." Even after their defeat, when Nonnius was exhorting them to courage, because there were seven eagles still left in Pompey's camp, "You encourage well," said he, "if we were to fight with jackdaws."

37. *Hæreditates mihi negâsti venire.*] It was reckoned a great disgrace among the Romans, to have no legacies bequeathed to them by their friends.

40. *H. S.*] See the oration against Cæcilius, *paragra.* 6, *l.* 18.

Ib. *Acceptum hæreditatibus.*] That is, I have received from inheritances. *Expensum ferre,* and *acceptum referre,* is a usual mode of expression: the former is applied to what we give; the latter, to what we receive. Hence, the ancients called those books in which their receipts and expenditures were written, *accepti et expensi.*

Ib. *Quanquam in hoc genere.*] Cicero shows that his friendship had got him inheritances, but that Antony had forcibly taken the possession of others estates.

43. *Rubrius Cassinas.*] Cassinum is a

fecit hæredem: et quidem vide, quàm te amârit is, qui, albus aterve fueris ignorans, fratris filium præteriit: Q. Furii honestissimi equitis Romani, suique amicissimi, quem palàm hæredem semper factitârat, ne nomen quidem perscripsit; te, quem nunquam viderat, aut certe nunquam salutaverat, fecit hæredem. Velim mihi dicas, nisi molestum est, L. Turselius quâ facie fuerit, quâ staturâ, quo municipio, quâ tribu; nihil scio, inquies, nisi quæ prædia habuerit; igitur fratrem exhæredans te faciebat hæredem. In multas præterea pecunias alienissimorum hominum, ejectis veris hæredibus, tanquam hæres esset, invasit. Quanquam hoc maximè admiratus sum, mentionem te hæreditatum ausum esse facere, cùm ipse hæreditâtem patris non adisses. Hæc ut colligeres, homo amentissime, tot dies in alienâ villâ declamâsti? quanquam tu quidem (ut tui familiarissimi dictitant) vini exhalandi, non ingenii acuendi causâ declamitas. Et verò adhibes joci causâ magistrum, suffragio tuo et compotorum tuorum rhetorem; cui concessisti, ut in te, quæ vellet, diceret: [a] salsum omninò hominem! sed materia facilis, [b] in te et in tuos dicta dicere. Vide autem, quid intersit inter te et avum tuum: ille sensim dicebat, quod causæ prodesset; tu [c] cursim dicis aliena. At quanta merces rhetori data est? Audite, audite, P. C. et cognoscite reipublicæ vulnera; duo millia jugerum campi Leontini Sex. Clodio rhetori assignasti; et quidem immunia, ut pro tantâ mercede nihil sapere disceres: num etiam hoc, homo audacissime, ex Cæsaris commentariis? Sed dicam alio loco et de Leontino agro, et de Campano: quos iste agros ereptos reipublicæ turpissimis possessoribus inquinavit. Jam enim, quoniam criminibus ejus satis respondi, de ipso emendatore et correctore nostro quædam dicenda sunt; nec enim omnia effundam, ut, si sæpius decertandum sit, ut erit, semper novus veniam: quam facultatem mihi multitudo istius vitiorum peccatorumque largitur.

CONFIRMATIO.

Continet, quid egerit in pueritiâ, quid in magistratibus: ac 1. *quid in tribunatu;* 2. *quid in equitum magisterio;* 3. *quid in privatâ vitâ:* 4. *quid in Consulatu.*

a *facetum.* b *jocari et mordere te et tuos.* c *temerè.*

town of Campania, where the Latin way joins the Appian.

44. *Albus aterve.*] A proverbial expression, concerning a man who is neglected.

47. *Quem nunquam viderat.*] As it is not probable that Antony had been named heir by him, by whom he had never been seen, it is much more probable that he had taken the goods of the dead man.

50. *Nisi quæ prædia habuerit.*] Antony also falsely made himself the heir of Turselius, whom though he did not know, he knew what estates he had.

54. *Hæreditatem patris non adisses.*] Antony's father, having squandered all his estate, did not leave him any thing.

55. *In alienâ villâ.*] He laughs at Antony, who, that he might cast these reproaches at Cicero, had spent seventeen days in Scipio's villa, near the Tiber, preparing himself to speak.

58. *Magistrum.*] He had taken Sextus Clodius as his master of oratory.

Ib. *Rhetorem.*] Rhetor is a Greek word, signifying the same as sophista, he who teaches rhetoric: but the Latins used it as if a Latin word.

61. *Et avum.*] Antony's grandfather was that very celebrated orator, M. Antony; of whom see *lib. de orat.*

64. *Campi Leontini.*] Antony gave him two thousand acres of the Leontine lands, reckoned the most fertile in Sicily.

65. *Immunia.*] He desired that these lands should be exempt from taxes, contrary to the laws of the Sicilians, whose lands always paid the tenth.

66. *Ex Cæsaris commentariis.*] He

PRIMA PARS.

Quid egerit Antonius in pueritiâ.

VIII. Visne igitur te inspiciamus à puero? sic opinor; à principio ordiamur. Tenesne memoriâ prætextatum te decoxisse? patris, inquies, ista culpa est; concedo: at enim est pietatis plena defensio. Illud tamen audaciæ tuæ, quòd sedisti in quatuordecim ordinibus, cùm esset lege Rosciâ decoctoribus certus locus constitutus, quamvis quis fortunæ vitio, non suo decoxisset. Sumpsisti virilem, quam statim muliebrem togam reddidisti: primò vulgare scortum: certa flagitii merces, nec ea parva: sed citò Curio intervenit, qui te à meretricio quæstu abduxit; et, tanquam stolam dedisset, in matrimonio stabili et certo locavit. Nemo unquam puer emptus lididinis causâ tam fuit in domini potestate quàm tu in Curionis: quoties te pater ejus domo suâ ejecit? quoties custodes posuit, ne limen intrares? cùm tamen tu, nocte sociâ, hortante libidine, cogente mercede, per tegulas demitterere; quæ flagitia domus illa diutiùs ferre non potuit. Scisne me de rebus mihi notissimis dicere? recordare tempus illud, cùm pater Curio mœrens jacebat in lecto: filius se ad pedes meos prosternens, lacrymans, te mihi commendabat: orabat ut te [a] contra suum patrem, si sestertiûm sexagies peteret, defenderem: tantum enim se pro te [b] intercessisse [dicebat.] Ipse autem amore ardens confirmabat, quod desiderium tui discidii ferre non posset, se in exilium esse iturum. Quo ego tempore tanta et mala florentissimæ familiæ sedavi, vel potiùs sustuli; patri persuasi, ut æs alienum filii dissolveret; redimeret adolescentem summâ spe et animi et ingenii præditum, rei familiaris facultatibus; eumque à tuâ non modò familiaritate, sed etiam congressione, patrio jure et potestate prohiberet. Hæc tu cùm per me acta meminisses, nisi illis, quos videmus, [c] gladiis confideres, maledictis me provocare ausus esses? Sed jam stupra, et flagitia omittam; sunt quædam quæ honestè non possum dicere; tu autem eò liberior, quòd ea in te admisisti, quæ à verecundo inimico audire non posses. Sed reliquum vitæ cursum videte: quem quidem celeriter perstringam; ad hæc enim quæ in civili bello, in maximis reipubl. miseriis fecit, et ad ea quæ quotidie facit, festinat animus: quæ peto, ut quanquam multò notiora vobis, quàm mihi sunt, tamen, ut facitis, attentè audiatis; debet enim talibus in rebus excitare ani-

a *apud.* b *spopondisse.* c *armatus.*

blames Antony, who would without doubt say, that according to the commentaries of Cæsar, these were assigned to Clodius.

2. *Patris.*] M. Antonius Creticus, who squandered all his estate, was Antony's father.

5. *Lege Rosciâ.*] In the consulship of L. Metellus and Q. Martius, and the year of the city 682. Lucius Roscius Otho, a tribune of the people, enacted a law, that fourteen rows of benches should be appropriated to the knights in the theatre. But those of them who either through their own mismanagement or misfortune had lost their estates, had no right to sit upon these benches.

7. *Muliebrem togam.*] The *toga* was worn by lewd women, to distinguish them from matrons, who wore the *stola*, reaching down to the ancles.

Ib. *Vulgare scortum*] Antony was a great debauchee in his youth.

36. *Intimus erat in tribunatu Clodio.*] Antony united himself to the tribune Clodius; but when he saw that he had many enemies, he forsook him and sailed into Greece.

38. *Cujus etiam domi.*] By the second marriage of Antony's mother, he became step-son to that Lentulus who was put to

mos non cognitio solùm rerum, sed etiam recordatio; tametsi [a] incidamus oportet media, ne nimis serò ad extrema veniamus. Intimus erat in tribunatu Clodio, qui sua erga me beneficia commemorat; ejus omnium incendiorum fax; cujus etiam domi quiddam jam tum molitus est: quid dicam; ipse optimè intelligit. Inde [b] itur Alexandriam contra Senatûs auctoritatem, contra religionem; sed habebat ducem Gabinium, [c] quîcum quidvis rectissimè facere posset. Qui tum inde reditus, aut qualis? priùs in ultimam Galliam ex Ægypto, quàm domum: quæ autem erat domus? suam enim quisque domum tum obtinebat, neque erat usquam tua: domum dico? quid erat in terris, [d] ubi in tuo pedem poneres, præter unum Misenum, quod cum sociis tanquam Sisaponem tenebas? Venisti è Gallia ad quæsturam petendam. Aude dicere, te prius ad parentem tuum venisse, quàm ad me; acceperam enim jam antè Cæsaris literas, ut mihi satisfieri paterer à te: itaque ne loqui quidem sum te passus de [e] gratiâ; postea [f] cultus sum à te, tu à me observatus in petitione Quæsturæ; quo quidem tempore P. Clodium, approbante populo Romano, in foro es conatus occidere: cùmque eam rem tuâ sponte conarere, non impulsu meo; tamen ita prædicabas, te non existimare, nisi illum interfecisses, unquam mihi pro tuis in me injuriis satis esse facturum: in quo demiror, cur Milonem impulsu meo rem illam egisse dicas, cùm te ultrò mihi idem illud deferentem nunquam sum adhortatus; quanquam si in eo perseverâsses, ad tuam gloriam rem illam referri malebam, quàm ad meam gratiam. Quæstor es factus; deinde continuò sine Senatusconsulto, sine sorte, sine lege ad Cæsarem cucurristi; id enim unum in terris egestatis, æris alieni, nequitiæ, perditis vitæ rationibus, perfugium esse ducebas. Ibi te cum et illius largitionibus, et tuis rapinis explevisses (si hoc explere, quod statim effundas) advolas egens ad Tribunatum, ut in eo magistratu, si posses, viri tui simili esses.

a *prætereamus* b *ivit.* c *quocum.* d *cujus non arriperes possessionem.*
e *reconciliatione.* f *tu me honorasti.*

death for conspiring with Catiline. To revenge the death of this father, he attached himself to Clodius; and during his tribunate was one of the ministers of all his violences: yet he was, at the same time, detected in a criminal intrigue in his family, with his wife Fulvia, whom he married after Clodius' death.

40. *Contra religionem.*] When Ptolemy, king of Egypt, sought to be restored to his kingdom, from which he had been cast out by his subjects, Cato opposed him with all his might, and said that the Sybilline oracles forbade the sending of any assistance to a king of Egypt; but Gabinius, in opposition to the oracles, and a decree of the senate, passed in compliance with it, accompained by Antony's assistance, replaced Ptolomy on his throne, with his Syrian army.

41. *Qui tum inde reditus.*] Antony, returning from Egypt, wither he had gone with Gabinius, saw none of his friends in Rome; but went immediately into Transalpine Gaul to Cæsar.

43. *Quæ erat domus.*] Antony had no house, because in his youthful days he had squandered all his property.

45. *Præter unum Misenum.*] A promontory of Campania, nigh which Antony had a farm.

46. *Sisaponem.*] Sisapo was a town of Corduba, in Spain, famous for its mines of red lead. Cicero mentions it by way of infamy. It alludes probably to some proverb taken from the collusion of the farmers, in whose hands it was, or from their working under ground.

48. *Mihi satisfieri paterer.*] Antony had shown himself Cicero's enemy, by espousing Clodius' cause.

58. *Sine Senatusconsulto.*] He objects to Antony, that, without a decree of the senate, he had gone to Cæsar, whereas no

Quid egerit in Tribunatu Antonius.

IX. Accipite nunc, quæso, non ea, quæ ipse in se, atque in domesticum dedecus impurè atque intemperanter, sed quæ in nos fortunasque nostras, id est, in universam rempublicam impiè ac nefariè fecerit; ab hujus enim scelere omnium malorum principium natum reperietis. Nam cum L. Lentulo, C. Marcello Consulibus, Kalendis Januar. labentem et prope cadentem rempublicam fulcire cuperetis, ipsique C. Cæsari, si sanâ mente esset, consulere velletis; tum iste venditum atque [a] mancipatum Tribunatum consiliis vestris opposuit, cervicesque suas ei subjecit [b] securi, quâ multi minoribus in peccatis [c] occiderunt. In te autem, M. Antoni, id decrevit Senatus, et quidem incolumis, nondum tot luminibus extinctis, quod in hostem togatum decerni est solitum more majorum; et tu apud Patres Conscriptos contra me dicere ausus es, cùm ab hoc ordine ego conservator essem, tu hostis reipublicæ judicatus? [d] Commemoratio illius tui sceleris intermissa est, non memoriâ deleta, dum genus hominum, dum populi Romani nomen exstabit (quod quidem erit, si per te licuerit, sempiternum) tua illa pestifera intercessio nominabitur. Quid cupidè à Senatu, quid temerè fiebat, cùm tu unus adolescens universum ordinem decernere de salute reipublicæ prohibuisti? neque id semel, sed sæpius? neque tu tecum de Senatûs auctoritate [e] agi passus es? quid autem agebatur, nisi ne deleri et everti rempublicam funditùs velles? cùm te neque principes civitatis rogando, neque majores natu monendo, neque frequens Senatus agendo, de venditâ atque addictâ sententiâ movere potuit? Tum illud, multis rebus ante tentatis, necessariò

a *addictum.* b *panæ.* c *condemnati sunt.* d *mentio.* e *deliberari.*

quæstor went into a province, unless he obtained it by lot, and by a decree of the senate.

63. *Viri tui.*] He intends Curio, who was tribune about that time.

8. *Consiliis vestris.*] The senate deliberated about recalling Cæsar, and committing the republic to the care of Pompey, lest Cæsar should subject it to himself by force of arms. But Antony, the tribune, being corrupted by Cæsar, gave a negative to this decree of the senate, on which account they were judged to be enemies by the senate.

11. *Tot luminibus extinctis.*] He intends Cato, Marcellus, Lentulus, and Domitius, who perished in the civil war.

Ib. *Hostem togatum.*] He intends a domestic enemy or traitor. When any one was judged by the senate to be such, according to ancient custom, he was expelled from the senate and city. But, when the senate had thus decreed against Curio, Antony, and Cassius, tribunes of the people, who espoused the cause of Cæsar who was then absent, they fled to him in disguise; from which circumstances, Cæsar took occasion to commence a civil war.

16. *Si per te licuerit.*] He objects to Antony, that the name of the empire would be perpetual, unless he by his crimes should bring destruction upon it.

17. *Pestifera intercessio.*] When Marcellus, the consul, decreed legions to Pompey, Antony, the tribune, interfered, and requested that the present military forces should be sent into Syria, against the Parthians. When the senate forbade the reading of Cæsar's letters, he, supported by his tribunitian power, read them and thus conciliated many to himself. Therefore, when he resolved to see if the people thought that Cæsar and Pompey should retire from arms, and dismiss the army, all approved of it, and exhorted Antony to pass a law to that effect; but the consuls forbade it.

Ib. *Quid cupidè.*] Cicero objects to Antony, that he had acted against the senate, and for Cæsar. But he now shows that the senate had done nothing rashly.

18. *Cùm tu unus adolescens.*] He shows that Antony was a tyrant, because he, a young man only thirty years of age, hindered the senate from deliberating on the state of the republic, when he should have yielded.

23. *De venditâ atque addictâ.*] Antony sold his influence to Cæsar, as if he had offered a larger price in purchase.

24. *Illud vulnus inflictum.*] He says that Antony was then condemned; for he

tibi vulnus inflictum quod paucis ante te, quorum incolumis fuit nemo; tum contra te [a] dedit arma hic ordo Consulibus, reliquisque imperiis et [b] potestatibus, quæ non effugisses, nisi te ad arma Cæsaris contulisses. Tu, tu, inquam, M. Antoni, [c] princeps C. Cæsari, omnia perturbare cupienti, causam belli contra patriam inferendi dedisti. Quid enim aliud ille dicebat? quam causam dementissimi sui consilii et facti afferebat, nisi quòd intercessio neglecta, jus tribunitium sublatum, [d] circumscriptus à Senatu esset Antonius? omitto quàm hæc falsa, quàm levia; præsertim cùm omninò nulla causa justa cuiquam esse possit contra patriam arma capiendi. Sed nihil de Cæsare: tibi certe confitendum est, causam perniciosissimi belli [e] in personâ tuâ constitisse. O miserum te, si intelligis! miseriorem, si non intelligis hoc literis mandari, hoc memoriæ prodi, hujus rei ne posteritatem quidem omnium sæculorum unquam immemorem fore, Consules ex Italiâ expulsos, cumque his Cn. Pompeium, qui imperii populi Romani decus ac lumen fuit; omnes Consulares, qui per valetudinem [f] exsequi cladem illam fugamque potuissent, Prætores, Prætorios, Tribunos plebis, magnam partem Senatûs, omnem sobolem juventutis, unoque verbo rempublicam expulsam, atque exterminatam suis sedibus. Ut igitur in seminibus est causa arborum et stirpium; sic hujus luctuosissimi belli semen tu fuisti. Doletis tres exercitus propuli Romani interfectos; interfecit Antonius: desideratis clarissimos cives; eos quoque eripuit vobis Antonius: auctoritas hujus ordinis afflicta est; afflixit Antonius: omnia denique, quæ postea vidimus (quid autem mali non vidimus?) si rectè ratiocinabimur, uni accepta referemus Antonio: ut Helena Trojanis, sic iste huic reipublicæ causa belli, causa pestis atque exitii fuit. Reliquæ partes Tribunatûs principio similes: omnia perfecit, quæ Senatus, salvâ republicâ ne fieri possent, [g] perfecerat; cujus tamen scelus in scelere cognoscite. Restituebat multos calamitosos; in his patrui nulla mentio: si severus, cur non in omnes? si misericors, cur non in suos? sed omitto cæteros. Licinium Denticulam de aleâ condemnatum, collusorem suum, restituit; quasi verò ludere cum condemnato non liceret: sed ut, quòd ille

a *imperavit arma.* b *magistratibus.* c *primus.* d *illusus.*
e *in te fuisse.* f *fugere.* g *vetuerat ne fierent.*

had been judged an enemy and exiled, and the power of killing him given to every person.

25. *Quod paucis ante te.*] Few, before Antony, had made a similar trial, except Fimbria, Saturninus, and the Gracchi, all of whom perished.

26. *Reliquisque imperiis.*] He intends the generals, who were set over the provinces in the different parts of the world by the Roman people; these were called imperators, after they had obtained signal victories.

31. *Intercessio neglecta.*] The tribunitian power and veto was held sacred.

38. *Consules*] As Cæsar with his army approached the city, Marcellus and Lentulus, the consuls, fled, and followed Pompey, who had gone to Capua to his army.

45. *Tres exercitus populi Romani.*] Viz. Pompey's in the plains of Pharsalia; Afranius', in Spain; and Scipio's in Africa.

46. *Clarissimos cives.*] Those who perished in these armies.

53. *Scelus in scelere.*] He calls the tribuneship of Clodius by this name, because it had been obtained by unlawful means.

54. *Patrui nulla mentio.*] This was C. Antonius who was consul with Cicero; upon the expiration of his office, he had Macedonia assigned to him for his province, for the mal-administration of which he was impeached and brought to trial, and being found guilty, was condemned to perpetual exile.

56. *Collusorem suum.*] Antony used to play dice with Denticula.

57. *Quasi verò.*] He laughs at Antony,

in aleâ perdiderat, beneficio legis dissolveret. Quam attulisti rationem populo Romano, cur eum restitui oporteret? absentem credo in reos relatum; rem indictâ causâ judicatam; nullum fuisse de aleâ lege judicinm: vi oppressùm et armis; postremò, quod de patruo tuo dicebatur, pecuniâ judicium esse corruptum: nihil horum. At vir bonus et republicâ dignus. Nihil id quidem ad rem: ego tamen, quoniam condemnatum esse pro nihilo est, si ita esset, ignoscerem; hominem omnium nequissimum, qui non dubitâret vel in foro aleâ ludere, lege, quæ est de aleâ, condemnatum, qui in [a] integrum restituit, is non apertissimè studium sùum ipse profitetur? In eodem vero Tribunatu, cùm Cæsar in Hispaniam proficiscens huic [b] conculcandam Italiam tradidisset: quæ fuit ejus peragratio itinerum? lustratio municipiorum? Scio me in rebus celebratissimis sermone omnium versari; eaque quæ dico dicturusque sum, notiora omnibus esse, qui in Italiâ tum fuere, quàm mihi, qui non fui: notabo tamen singulas res: esti nullo modo poterit oratio mea satisfacere vestræ scientiæ. Etenim quod unquam in terris tantum flagitium extitisse auditum est? tantam turpitudinem? tantum dedecus: vehebatur in essedo Tribunus plebis: Lictores laureati antecedebant: inter quos, apertâ lecticâ, mima portabatur: quam ex oppidis municipales, homines honesti, obviàm necessariò prodeuntes, non noto illo et mimico nomine, sed Volumniam consalutabant: sequebatur rheda cum lenonibus: comites nequissimi: rejecta mater amicam impuri filii, tanquam nurum, sequebatur. O miseræ mulieris fœcunditatem calamitosam! [c] Horum flagitiorum iste vestigiis omnia municipia, præfecturas, colonias, totam denique Italiam impressit. Reliquorum factorum ejus, P. C. diffici-.

a *pristinum statum.* b *vexandam.* c *iste infixit in Italiâ memoriæ hominum sua flagitia.*

as if he had recalled him, that he might play with him.

58. *Beneficio legis dissolveret.*] Commentators are divided in the interpretation of this passage. By *beneficio legis*, Abramius thinks a sum of money, which Antony received for passing the law for Denticula's restoration, is meant, so that the sense of the passage is, according to him, that with this sum Antony might pay off the money he had borrowed and lost at gaming. But we think that the passage refers to Denticula.

66. *Lege, quæ est de aleâ.*] L. Cornelius Sylla passed a law, that no one should play for money, òr give a pledge in a game, unless that which was undertaken to exercise the body, as with the spear, hurling the javelin, running, leap ing, wrestling, and fighting.

68. *Cùm Cæsar in Hispaniam.*[When Cæsar went into Spain, before he followed Pompey across the sea, he committed the care of the city to Lepidus, the prætor, and Italy and the fortifications to Antony, the tribune, who did many things in a wanton and disgraceful manner. But when Cæsar returned victorious from Spain, he neglected to correct the errors of Antony, knowing that he was a brave man, and expert in the use of his hands, he afterwards employed him in war.

72. *Qui non fui.*] After the departure of Cæsar to Spain, Cicero remained but a short time in Italy.

75. *Essedo.*] This was a sort of vehicle first invented by the Belgic Gauls.

76. *Lictores laureati.*] Cæsar gave lictors, crowned with laurel, to his lieutenants in Italy, which Antony could not obtain, because only a tribune.

77. *Mima portabatur.*] Cytheris, the mistress of Antony, a female actress, whom he called Volumnia, because the freed woman of Volumnius, a Roman citizen.

Ib. *Municipales.*] Municipales is here taken for those who live in the country.

79. *Rheda.*] A kind of vehicle used by the Gauls.

Ib. *Cum lenonibus.*] Some commentators, of very considerable learning, are for reading *leones*, instead of *lenones*.

80. *Rejecta mater.*] Julia, the mother of Antony, and a most noble woman, was so much slighted by him as to be permitted to follow Cytheris as a nurse.

81. *Fæcunditatem.*] This Julia was miserable, because she had borne a son who was so unchaste.

lis est sanè reprehensio, et [a] lubrica; versatus in bello est; saturavit se sanguine dissimillimorum sui civium; fuit felix, si potest ulla esse in scelere felicitas. Sed quoniam veteranis cautum esse volumus, quanquam dissimilis est militum causa, et tua; illi secuti sunt, tu quæsiisti decem; tamen, ne apud illos me in invidiam voces, nihil de belli genere dicam. Victor è Thessaliâ Brundusium cum legionibus revertisti: ibi me non occidisti; magnum beneficium: potuisse enim fateor; quanquàm nemo erat eorum, qui tùm tecum fuerunt, qui mihi non censeret parci oportere; tanta enim est caritas patriæ, ut vestris etiam legionibus [b] sanctus essem, quòd eam à me servatam esse meminissent: sed [d] fac id te dedisse mihi, quod non ademisti; meque à te habere vitam, quia à te non sit erepta: licuitne mihi per tuas contumelias hoc beneficium sic tueri, ut tuebar, præsertim cùm te hæc auditurum videres? Venisti Brundusium in sinum quidem et in complexum tuæ mimulæ. Quid est? num mentior; quàm miserum est id negare non posse, quod sit turpissimum confiteri? si te municipiorum non pudebat; ne veterani quidem exercitûs? quis enim miles fuit, qui Brundusii illam non videret? quis, qui nescieret venisse eam tibi tot dierum viam gratulatum? quis, qui non indoluerit, tam serò se, quàm nequam hominem secutus esset, cognoscere? Italiæ rursus percursatio, eâdem comite mimâ; in oppida militum crudelis et misera deductio: in urbe auri, argenti, maximèque vini, fœda direptio.

Quid egerit Antonius in Magisterio Equitum.

X. Accessit, ut, Cæsare ignaro, cùm esset ille Alexandriæ, beneficio amicorum ejus Magister Equitum constitueretur; tum existimavit se suo jure cum Hippiâ vivere, et equos vectigales Sergio mimo tradere; tum sibi non hanc, quam nunc malè tuetur, sed M. Pisonis domum, ubi habitaret, legerat. Quid ego istius decreta, quid rapinas, quid hæreditatum possessiones datas, quid ereptas proferam? cogebat

a *anceps.* b *inviolabilis.* c *ponamus.*

85. *Dissimillimorum.*] He intends honest men, such Antony was not.

87. *Dissimilis militum causa.*] These veterans followed Cæsar, because he had been appointed their leader by the senate, but Antony had of his own accord followed Cæsar as his leader.

89. *Brundusium.*] Cæsar sent Antony thither to defend Italy, whilst he pursued Pompey.

Ib. *Cum legionibus.*] Romulus made a legion to consist of three thousand foot, and three hundred horse; after the expulsion of the kings, it contained four thousand foot, and was afterwards, by order of the senate, increased to five, and then to six thousand foot. Six tribunes and sixty centurions commanded the foot soldiers, and thirty decurions commanded the horse, of whom some commanded single bands; one præfect was over the whole.

90. *Ibi me non occidisti.*] When Cicero saw that Pompey gained no advantage, but that his party daily increased after the battle of Pharsalia, at which he could not be present on account of ill health, he returned to Italy and came to Brundusium, where he might have easily been slain by Antony.

102. *Tot dierum viam.*] Brundusium was fourteen day's journey from Rome.

1. *Cæsare ignaro.*] When Cæsar had gained the battle of Pharsalia, he was made dictator for one year, and Antony master of horse. Cæsar was not ignorant of this, but was himself, as Plutarch affirms in his life of Antony, accessary to the nomination.

3. *Hippiâ.*] Hippia was a Roman matron of infamous character.

Ib. *Equos vectigales.*] Those sent as tribute.

4. *Non hanc.*] He intends the house of

egestas: quò se verteret, non habebat: nondum ei tanta à L. Rubrio, non à L. Turselio hæreditas venerat: nondum in Cn. Pompeii locum, multorumque aliorum, qui aberant, repentinus hæres successerat: erat ei vivendum latronum ritu, ut tantum haberet, quantum rapere potuisset. Sed hæc, quæ robustioris improbitatis sunt, omittamus: loquamur potius de nequissimo genere levitatis. Tu istis faucibus, istis lateribus, istâ gladiatoriâ totius corporis firmitate, tantum vini in Hippiæ nuptiis exhauseras, ut tibi necesse esset in populi Rom. conspectu vomere postridie. O rem non modò visu fœdam, sed etiam auditu! Si inter cœnam, in ipsis tuis [a] immanibus illis poculis, hoc tibi accidisset, quis non turpe duceret? in cœtu verò populi Romani negotium publicum gerens, Magister Equitum, cui ructare turpe esset, is vomens, frustis esculentis, vinum redolentibus, gremium suum et totum tribunal implevit. Sed hoc ipse fatetur esse in suis sordibus: veniàmus ad splendida. Cæsar Alexandriam se recepit, felix, ut sibi quidem videbatur; meâ autem sententiâ, qui reipublicæ sit infelix, felix esse non potest: hastâ positâ [b] pro æde Jovis Statoris, bona Cn. Pompeii (miserum me! consumptis enim lacrymis, tamen infixus animo hæret dolor) bona, inquam, Cn. Pompeii Magni, voci acerbissimæ subjecta præconis: una in illa re servitutis oblita civitas ingemuit; servientibusque animis cùm omnia metu tenerentur, gemitus tamen populi Romani liber fuit: expectantibus omnibus, quisnam esset tam impius, tam demens, tam diis hominibusque hostis, qui ad illud scelus sectionis auderet accedere, inventus est nemo, præter Antonium: præsertim cùm tot essent circum hastam illam, qui alia omnia auderent: unus inventus est, qui id auderet, quod omnium fugisset et reformidasset audacia. Tantus igitur te stupor oppressit, vel, ut veriùs dicam, tantus furor, ut, primùm, cùm sector sis [c] isto loco natus, deinde cùm Pompeii sector, non te execrandum populo Romano, non detestabilem, non omnes tibi deos, non omnes homines, et esse inimicos, et futuros scias? At quàm insolenter statim helluo invasit in ejus viri fortunas, cujus virtute terribilior erat populus Romanus exteris gentibns, justitiâ carior? In ejus igitur viri copias cùm se subitò [d] ingurgitavisset, exultabat

a *ingentibus*. b *ante ædem*. c *ista familia*. d *immisisset*.

Pompey, which he had invaded, and which Pompey's son had sought to restore.

9. *Repentinus hæres.*] He who cheated the true heir, and came to the inheritance by violence, was called *repentinus hæres*.

14. *In Hippiæ nuptiis.*] Hippia left her first husband, who was a senator, and married Sergius the buffoon.

19. *Esculentis.*] Rollin in his Belles Lettres observes, that there is a delicacy in the Latin which would not admit of translating this passage, and, indeed, the painting is so strong, and the ideas so indelicate, that in any language it must offend the reader.

23. *Hastâ positâ.*] In all public auctions, a spear was set up in the place of sale. As it was the common badge and ensign of power among the ancients, Grævius thinks this was done to signify that they were made by a lawful commission.

24. *Jovis Statoris.*] Jupiter was called Stator, because, during the Sabine war, he made the soldiers of Romulus to stand after they had begun to fly.

30. *Illud scelus sectionis.*] That is, of the sale.

31. *Hastam illam.*] The spear set up by Cæsar, under which Pompey's goods were sold.

32. *Alia omnia auderent.*] They who dared to buy the goods of all except Pompey's.

Ib. *Unus inventus est.*] Antony.

41. *Modò egens, repente dives.*] Actors sometimes sustain the characters of rich,

gaudio, persona [a] de mimo, modò egens, repentè dives; sed, ut est apud poetam nescio quem, *Male parta, male dilabuntur:* incredibile ac simile portenti est, quonam modo illa tam multa, quàm paucis, non dico mensibus, sed diebus effuderit: maximus vini numerus fuit, permagnum optimi pondus argenti, pretiosa vestis multa, et lauta supellex, et magnifica multis locis, non illa quidem luxuriosi hominis, sed tamen abundantis: horum paucis diebus nihil erat. Quæ Charybdis tam vorax? Charybdin dico? quæ si fuit, fuit animal unum. Oceanus, medius-fidius, vix videtur tot res, tam dissipatas, tam distantibus in locis positas, tam citò absorbere potuisse. Nihil erat clausum, nihil obsignatum, nihil scriptum; apothecæ totæ nequissimis hominibus [b] condonabantur: alia mimi rapiebant, alia mimæ: domus erat aleatoribus referta, plena ebriorum: totos dies potabatur, atque id locis pluribus: [c] suggerebantur etiam sæpe (non enim semper iste felix) damna aleatoria: conchyliatis Cn. Pompeii peristromatis servorum in cellis lectos stratos videres. Quamobrem desinite mirari, hæc tam celeriter esse consumpta; non modò unius patrimonium, quamvis amplum, ut illud fuit, sed urbes et regna celeriter [d] tanta nequitia devorare potuisset. At idem ædes etiam et hortos. O audaciam immanem! tu etiam ingredi illam domum ausus es? tu illud sanctissimum limen intrare? tu illarum ædium diis penatibus os importunissimum ostendere? Quam domum aliquandiu nemo aspicere poterat, nemo sine lacrymis præterire, hâc te in domo tamdiu diversari non pudet? in quâ, quamvis nihil sapias, tamen nihil tibi potest esse jucundum. An tu illa in vestibulo rostra, spolia cùm adspexisti, domum tuam te introire putas? fieri non potest: quamvis enim sine mente, sine sensu sis, ut es, tamen et te, et tua, et tuos, nosti; nec verò te unquam neque vigilantem, neque in somnis credo [e] mente posse consistere. Necesse est quamvis sis, ut es, violentus et furens, cùm mibi to bjecta sit [f] species singularis viri, perterritum te de somno excitari, furere etiam sæpe vigilantem. Me quidem miserat parietum

a *histrionica.* b *donabantur.* c *subjiciebantur.*
d *tanta prodigalitas.* e *tranquillum esse.* f *imago Pompeii.*

and sometimes of poor men. Antony was both.

45. *Pondus argenti.*] He uses argentum to signify silver vessels.

47. *Quæ Charybdis.*] Charybdis is a dangerous whirlpool in the straits of Messina, near the coast of Sicily, over against Scylla. Hence the proverb, *Incidit Scyllam, cupiens vitare Charybdim;* it being very hard for passengers to avoid one or the other of them.

49. *Medius-fidius.*] See *Orat. pro Mil. parag.* 16. *not. ad. l.* 9

55. *Damna aleatoria.*] Antony often met with great losses at the game of dice.

Ib. *Conchyliatis.*] Cicero says that the beds of the slaves were covered with Pompey's purple quilts, and rich tapestry.

59. *Ædes et hortos.*] Antony had dared to enter and purchase these when put under the spear.

61. *Sanctissimum limen.*] He calls it *sanctum limen,* because the ancients thought that thresholds had their god Limentinus, to whom they were sacred.

Ib. *Diis penatibus.*] The *penates* were domestic gods, as Cicero says, *lib.* 2. *de Natura Deorum,* so called because we are born in their power, or because they are not far removed from this life, or because they dwell among us.

Ib. *Os importunissimum.*] *Os* is here put for the countenance, or for a certain singular audacity and temerity.

65. *Rostra.*] The Romans, it would appear, had a great pride in ornamenting their porches, and the avenues to their houses. Pompey having been successful in the war against the pirates, had his ornamented with naval spoils.

67. *Te, et tua, et tuos.*] That is, you know your own life, and your affairs, and your friends, in all of which Antony was infamous.

ipsorum, atque tectorum; quid enim unquam domus illa viderat, nisi pudicum, nisi ex optimo more et sanctissimâ disciplinâ? fuit enim ille vir, P. C. sicut scitis, cùm foris clarus, tùm domi admirandus; neque rebus externis magis laudandus, quàm institutis domesticis: hujus in ædibus pre cubiculis stabula, pro tricliniis popinæ sunt: etsi jam negat; nolite, nolite quærere; [a] frugi factus est; mimam illam suam [b] suas res sibi habere jussit, ex duodecim tabulis; claves ademit, forasque exegit: quam porro spectatus civis, quàm probatus; cujus ex omni vitâ nihil est honestius, quàm quod cum mimâ fecit divortium?

Quid egerit Antonius in privatâ vitâ.

XI. At quàm crebro usurpat, *Et Consul, et Antonius?* hoc est dicere, et Consul, et impudicissimus; et Consul, et homo nequissimus: quid enim est aliud Antonius? nam si dignitas significaretur in nomine, dixisset aliquando, credo, avus tuus, Et Consul, et Antonius; nunquam dixit: dixisset etiam collega meus, patruus tuus: nisi tu solus es Antonius. Sed omitto ea peccata, quæ non sunt earum partium propria, quibus tu rempublicam vexavisti; ad ipsas tuas partes redeo, id est, ad civile bellum: quod natum, conflatum, susceptum operâ tuâ est; cui bello cùm propter timiditatem tuam, tùm propter libidines defuisti: [c] gustâras civilem sanguinem, vel potius [d] exsorbueras fueras in acie Pharsalicâ antesignanus: L. Domitium, nobilissimum et clarissimum virum, occideras: multos, qui è prælio effugerant, quos? Cæsar, ut nonnullos, fortasse servâsset, crudelissimè persecutos, trucidaras? quibus rebus tantis, talibus gestis, quid fuit causæ, cur in Africam Cæsarem non sequerere, cùm præsertim belli pars tanta restaret? Itaque quem locum apud ipsum Cæsarem, post ejus ex Africâ reditum, obtinuisti? quo [e] numero fuisti? cujus tu imperatoris Quæstor fueras, Dictatoris Magister Equitum,

a *moderatus.* b *expulit.* c *effuderas.* d *exhauseras* e *gradu.*

76. *Tricliniis.*] These were places in which feasts were held; so called, because in them there was a triple couch to lie on at table.

Ib. *Etsi jam negat.*] Antony denies all these and therefore it is not necessary to inquire any farther about them.

78. *Suas res sibi habere jussit.*] Cicero here says, that there was a divorce between Antony and his mistress Cytheris; for this was the form of a divorce, *Res tuas tibi habeto. Item, Res tuas tibi agito.*

Ib. *Ex duodecim tabulis.*] A cause for a divorce must be explained from the law of the twelve tables, as being a just one.

1. *At quàm crebro usurpat, Et Consul, et Antonius?*] By thus alluding to his name, Cicero endeavours to excite envy against Antony, because he put his name and dignity both into the laws and edicts; for he did not write it *consul Antonius;* but *Et consul et Antonius,* to give the greater authority to himself.

3. *Si dignitas.*] If there had been any dignity in the name Antony, M. Antony, the orator and consul, and his grandfather might have singed his name in that manner.

5. *Patruus.*] C. Antony, who was consul with Cicero.

6. *Nisi tu solus es.*] That is, unless you will say that you alone are called Antony.

7. *Earum partium.*] These were the friends of Cæsar, who followed Antony.

9. *Cui bello.*] The Alexandrine war, which Cæsar had undertaken after the victory of Pharsalia, being finished, he undertook a new war against Scipio and Cato, whither Antony did not follow him.

11. *Antesignanus.*] He intends that Antony was only in the battle of Pharsalia, in which he led the left wing.

Ib. *L. Domitium.*] L. Domitus Ænobarbus was a most illustrious man, both on account of his family and the things which he had done: he had been appointed to succeed Cæsar in Gaul before the civil war.

belli princeps, crudelitatis auctore, prædæ socius, testamento, ut ipse dicebas, filius, appellatus es de pecuniâ, quam pro domo, pro hortis, pro [a] sectione debebas: primò respondisti planè [b] ferociter; et (ne omnia videar contra te) propemodum æqua et justa dicebas. A me C. Cæsar pecuniam? cur potius, quàm ego ab illo? an ille sine me vicit? at ne potuit quidem: ego [c] ad illum belli civilis causam attuli; ego leges perniciosas rogavi; ego arma contra Consules imperatoresque populi Romani, contra Senatum populumque Romanum, contra deos patrios, arasque et focos, contra patriam tuli: num sibi soli vicit? quorum facinus est commune, cur non sit eorum præda communis? Jus postulabas: sed quid ad rem? plus ille poterat. Itaque [d] excussis tuis vocibus, et ad te, et ad prædes tuos milites misit: cùm repentè à te præclarâ illâ tabulâ prolatâ, qui risus hominum? tantam esse tabulam, tam varias, tam multas possessiones, ex quibus præter partem Miseni, nihil erat, quod is, qui auctionaretur, posset suum dicere. Auctionis vero miserabilis adspectus, vestis Pompeii non multa, eaque maculosa; ejusdem quædam argentea vasa [e] collisa, sordidata mancipia: ut doleremus quidquam esse ex illis reliquiis, quod videre possemus. Hanc tamen auctionem hæredes L. Rubrii decreto Cæsaris prohibuerunt. [f] Hærebat nebulo: quò se verteret non habebat. Quin his ipsis temporibus domi Cæsaris percussor ab isto missus, deprehensus dicebatur esse cum sicâ; de quo Cæsar in Senatu, apertè in te invehens, questus est. Proficiscitur in Hispaniam Cæsar, paucis tibi ad solvendum, propter inopiam tuam, prorogatis diebus; ne tum quidem sequeris: tam bonus gladiator rudem tam citò accepisti? hunc igitur quisquam, qui in suis partibus, id est, in [g] suis fortunis, tam timidus fuerit, pertimescat? Profectus est tan-

a *emptione.* b *arroganter.* c *auctor ei fui belli civilis.* d *examinatis.*
e *attrita.* f *dubitabat.* g *quorum erat* justa *possessio.*

19. *Testamento.*] Antony boasted that he had been adopted by Cæsar.

20. *Appellatus es.*] Cæsar, disgusted with Antony's debaucheries and extravagance, resolved to show himself the sole master, and not to suffer any contradiction to his will; accordingly, he gave peremptory orders to L. Plances, the prætor, to require immediate payment of Antony, or else to levy the money upon his sureties, according to the tenor of their bond. This provoked Antony to such a degree, that, in the height of his resentment, he is said to have entered into a design of taking away Cæsar's life, of which Cæsar himself complained openly in the senate.

26. *Contra deos patrios.*] He either intends the household gods, or some domestic gods which were worshipped in his country.

27. *Focos.*] He intends all necessary things, without which men cannot live, or even the hearth whose eternal fire is nourished by Vesta.

28. *Quorum facinus commune.*] Cæsar, alone, did not make war upon his country, but together with Antony and his companions; therefore the spoils should belong to them in common.

30. *Et ad prædes.*] The sureties in money matters were called *prædes*, but in capital cases *vades*.

31. *Præclarâ tabulâ.*] He intends the bill of Pompey's goods, which Antony offered, that he might pay the price of the sale.

37. *Hæredis L. Rubrii.*] These heirs, by a decree of Cæsar, stopped the sale, because Antony had received their goods.

38. *Nebulo.*] According to Pompeius Festus, Nebulo is one who is nothing more than a mist, that cannot easily be seen; that is, a vain trifling fellow.

39. *Ipsis temporibus.*] At which this sale was made.

41. *Proficiscitur in Hispaniam.*] After he had finished the African war, Cæsar went into Spain, where Pompey's son had collected a great army to avenge his father's death.

43. *Rudem tam cito accepisti.*] The *rudes* was a kind of rod which was given to the victorious gladiators, after which they could not be forced to fight.

dem aliquando Hispaniam: sed tutò, ut ait, prevenire non potuit; quonam modo igitur Dolabella pervenit? aut non suscipienda fuit ista causa, Antoni; aut, cùm suscepisses, defendenda usque ad extremum. Ter depugnavit Cæsar cum civibus; in Thessalia, Africa, Hispania: omnibus affuit his pugnis Dolabella; in Hispaniensi etiam vulnus accepit: si de meo judicio quæris, nollem; sed tamen consilium à primo reprehendendum, laudanda constantia. Tu verò quis es? Cn. Pompeii liberi primùm patriam repetebant; esto: fuerit partium hæc causa communis: repetebant deos patrios, aras, focos, larem suum familiarem, in quæ tu invaseras; hæc cùm repeterent armis ii, quorum erant legibus; (etsi in rebus inquissimis quid potest esse æqui?) tamen erat æquissimum contra Cn. Pompeii liberos, Cn. Pompeii pugnare sectorem.

XII. An tu Narbone mensas hospitum convomeres, Dolabella pro te in Hispaniâ dimicaret? Qui verò Narbone reditus? et tamen quærebat, cur ego ex ipso cursu tam subitò revertissem. Exposui nuper, P. C. causam reditûs mei; volui, si possem, etiam ante Kalendas Januarias prodesse reipublicæ: nam quod quærebas quomodo redissem; primùm luce, non tenebris; deinde cum calceis et togâ, nullis nec gallicis, nec lacernâ. At etiam adspicis me, et quidem, ut videris iratus: [a] næ tu jam mecum in gratiam redeas, si scias, quàm me pudeat nequitiæ tuæ, cujus te ipsum non pudet. Ex omnibus omnium flagitiis nullum turpius vidi, nullum audivi; qui Magister Equitum fuisse tibi viderere, in proximum annum Consulatum peteres, vel potius [b] rogares per municipia, coloniasque Galliæ, à quâ

a *certe*. b *flagitares*,

48. *Ista causa.*] Namely, of Cæsar.

49. *Ter depugnavit Cæsar.*] Cæsar fought first with Pompey at Pharsalia in Thessaly; second, with Scipio and Juba at Thapsus in Africa; and last, Pompey's sons at Munda in Spain.

50. *In Hispaniensi etiam.*] Dolabella was wounded at the battle of Munda: and his affairs being in a most desperate condition, Cæsar had some notion of killing himself.

57. *Tamen erat æquissimum.*] It did not seem unjust that Antony should refuse to restore the things which he claimed as his own, having purchased them at Cæsar's auction.

1. *Narbone.*] Narbo, which was formerly called Martius, was the most noble emporium of Gallia Braccata, and a Roman colony.

2. *Pro te dimicaret.*] When Dolabella fought, lest the republic and his patrimony should be destroyed by Antony, Antony sat eating and drinking at Narbo.

Ib. *Qui verò Narbone reditus.*] Antony blames the return of Cicero to Rome, but he shows that the return of Antony to Rome was by far the most base; for Cicero had returned, that he might consult for his country in the election for consuls; but Antony returned because he heard that Cæsar was dead, and, dressed in a servile garment, he came to his house in the night.

7. *Nec gallicis, nec lacernâ.*] The *gallica*, according to Manutius, was a kind of shoe which the soldiers wore in the camp: the *lacerna*, too, which was a kind of short frock, was first used in the camp; though afterwards admitted into the city, and worn over their gowns, to defend them from the weather. Cicero is very severe upon Antony, not for travelling in his military dress, but for entering the city and appearing as a candidate for the consulship in it.

10. *Magister equitum viderere.*] It did not appear to him, that Antony was a true master of horse, because he had obtained this dignity by oppressing the republic.

12. *Coloniasque Galliæ.*] When Antony heard that Cæsar was returning from Gaul, he besought him, that, by the favour of the free towns and colonies which were in Gaul, he might be made a colleague in his consulship; for the municipal towns and the colonies had the right of the city, and of voting in the consular *comitia*, to which he came in pattens and a short cloak, to ask that they would intercede with Cæsar for him. But Cicero severely reprehends this, as contrary to the custom of the Romans, who did not ask, but sued for the consulship. From good men, indeed, it

nos tum, cùm Consulatus petebatur, non rogabatur, petere Consulatum solebamus, cum gallicis et lacernâ cucurristi. At videte levitatem hominis. Cùm horâ diei decimâ ferè ad Saxa rubra venisset, delituit in quâdam cauponulà, atque ibi se occultans, perpotavit ad vesperum: inde cisio celeriter ad urbem advectus, domum venit capite involuto. Janitor, Quis tu? à Marco tabellarius. Confestim ad eam, cujus causâ venerat, deducitur, eique epistolam tradit: quam cùm illa legeret flens (erat enim amatoriè scripta: [a] caput autem literarum, sibi cum illâ mimâ posthac nihil futurum · omnem se amorem abjecisse [b] illinc, atque in hanc transfudisse) cum mulier fleret uberiùs, homo misericors ferre non potuit: caput [c] aperuit; in collum invasit. O hominem nequam! (quid enim aliud dicam? magis propriè nihil possum dicere) ergo ut te catamitum, nec opinatò cùm ostendisses, præter spem mulier aspiceret, idcirco urbem terrore nocturno, Italiam multorum dierum metu perturbasti? et domi quidem causam amoris habuisti, foris etiam turpiorem, ne L. Plancus *prædes tuos* venderet: productus autem in concionem à Tribuno-plebis, cùm respondisses, te rei tuæ causâ venisse, populum [d] in te dicacem etiam reddidisti.

Quid egerit Antonius in Consulatu.

XIII. Sed nimis multa de nugis: ad majora veniamus. Cæsari ex Hispania redeunti obviam longissimè processisti: celeriter [e] isti, et redîsti, ut cognosceret, te, si minùs fortem, attamen [f] strenuum: factus es ei rursus nescio quomodo familiaris; [g] habebat hoc omnino Cæsar; quem planè perditum ære alieno egentemque, si eundem nequam hominem audacemque cognoverat, hunc in familiaritatem libentissimè recipiebat. His igitur rebus præclarè commendatus, jussus es renunciari Cónsul, et quidem cum ipso: nihil queror de Dolabellâ,

a *initium.* b *ab ea.* c *detexit.* d *convicíantem tibi.*
e *ivisti.* f *promptum.* g *erat eâ indole.*

might be sought; but it was not to be extorted by prayers.

15. *Diei decimâ ferè.*] As was said before, the Romans divided their days into twelve equal parts, and the nights into as many; and thus, when the days were longest, the hours of the day were longer than those of the night, and the contrary when the nights were the longest. Their six o'clock was when the sun was at his meridian, so that ten corresponded to our four in the afternoon.

Ib. *Ad saxa rubra.*] This was a small village, situated between Rome and Veii, in the Cassian way.

17. *Inde cisio.*] The *cisium* was the swiftest kind of chariot in use among the Romans: it had but two wheels.

19. *Ad eam.*] Namely, to Fulvia.

21. *Illâ mimâ.*] Cytheris, whom he had called Volumnia.

24. *O hominem nequam!*] No man is more base than an effeminate one: he calls him *nequam*, as if *nequicquam*, in vain or good for nothing.

26. *Terrore nocturno.*] When it was reported that Antony was in the city, the people believed that Cæsar was dead.

28. *L Plancus.*] This L. Plancus was a brother to Manutius Plancus, an intimate friend of Cicero, and to whom several of his letters were addressed.

30. *Te rei tuæ causa venisse.*] There is a double meaning in the words *rei tuæ*, which may either refer to his evil passions or his estate. This excited the mirth of the populace.

8. *Cum ipso.*] Cæsar, when he was made consul the fourth time, took Antony for his colleague, that he might afterwards substitute Dolabella in his own stead, as he intended abdicating the consulship.

Ib. *Nihil queror de Dolabellâ.*] When Antony saw that Dolabella, who was most inimical to him as a colleague in the consulship, he inveighed against him in a severe manner, and the senate was dismissed without finishing the business. And,

qui tùm est impulsus, inductus, elusus. Quâ in re quanta fuerit utriusque vestrûm perfidia in Dolabellam, quis ignorat? ille induxit, ut peteret: promissum et receptum intervertit, ad seque transtulit: ut ejus pefidiæ voluntatem tuam [a] adscripsisti. Veniunt Kalendæ Januariæ: cogimur in Senatum: invectus est copiosiùs multò in istum et paratiùs Dolabella, quàm nunc ego. Hic autem iratus quæ dixit, dii boni! cùm primùm Cæsar ostendisset, se, prius quàm proficisceretur, Dolabellam Consulem esse jussurum; quem negant regem, qui et faceret semper ejusmodi aliquid, et diceret: sed cùm Cæsar ita dixisset, tùm hic bonus Augur eo se sacerdotio præditum esse dixit, ut comitia auspiciis vel impedire, vel vitiare posset; idque se facturum esse asseveravit. In quo primùm incredibilem stupiditatem hominis cognoscite. Quid enim? isthuc, quod te sacerdotii jure facere posse dixisti, si augur non esses, et Consul esses, minus facere potuisses? vide ne etiam faciliùs: nos enim nunciationem solùm habemus; Consules et reliqui magistratus etiam spectionem. Esto; hoc imperitè, nec enim ab homine nunquam sobrio postulanda prudentia: sed videte impudentiam: multis ante mensibus in Senatu dixit, se Dolabellæ comitia aut prohibiturum auspiciis, aut id facturum esse, quod fecit: quisquamne [b] divinare potest, quid vitii in auspiciis futurum sit, nisi de cœlo servare constituit? quod neque licet comitiis per leges; et, si quis servavit, non [c] habitis comitiis, sed prius quàm habeantur, debet nunciare: verùm implicata inscitia impudentia est, si nec scit quod Augurem, nec facit quod pudentem decet. Atque ex illo die

a *addidisti.* b *prævidere.* c *completis.*

as Cæsar continued in the same mind, Antony said that the omens were not favourable to such a thing.

9. *Impulsus.*] Dolabella was impelled by Cæsar to sue for the consulship, and was afterwards deceived by him, for he took Antony for his colleague.

10. *Ille.*] Cæsar.

11. *Intervertit.*] *Intervertere* is properly to transfer to one's self a thing promised to another, and maliciously to cause that it should not be restored to the proper owner.

13. *In istum.*] Dolabella inveighed against Antony, though he did not dare to speak against Cæsar, by whom he had been deceived.

14. *Hic autem iratus.*] Antony.

15. *Prius quàm proficisceretur.*] Cæsar thought of making war upon the Parthians, and substituting Dolabella in the consulship, instead of himself.

16. *Esse jussurum.*] He uses the word *jussurum* invidiously, as if Cæsar had assumed to himself the chief power in the republic. For it only pertained to the consul to ask, but to the people to order.

Ib. *Quem negant regem.*] They said that Cæsar was not a king, when he was one in reality, for he did all things in the republic according to his own pleasure.

19. *Comitia auspiciis.*] As the tribunes could forbid, so the augurs could declare, that it was not lawful to treat with the people.

Ib. *Vitiare.*] After the *comitia* were held, the augurs might show that the election was not valid, on account of some sign in the heavens, which had not been before observed.

21. *Isthuc.*] He shows the simplicity of Antony, who did not know what an augur was.

22. *Minus facere potuisses.*] That is, being consul, you could much more easily hinder the *comitia*.

24. *Esto.*] He grants that he had reproved Antony of imprudence, which he now shows to have been singular in him. For he had threatened Dolabella many months before, that he would hinder the *comitia*, either by the omens or by himself.

29. *De cœlo servare.*] To take the omens by looking to the heavens.

Ib. *Per leges.*] The Ælian and Fusian laws forbade the observation of the heavens when treating with the people, because that should be done first.

31. *Implicata inscitia.*] He says that Antony's ignorance was connected with impudence; his ignorance was manifested in his not knowing the manner of the augurs, but still more in his threatening to

recordamini ejus usque ad idus Martias Consulatum: quis unquam apparitor tàm humilis, tàm abjectus? nihil ipse poterat: omnia rogabat: caput in aversam lecticam inferens, beneficia, quæ venderet, à collegâ petebat. Ecce Dolabellæ comitiorum dies; sortitio prærogativæ; quiescit; renunciatur: tacet: prima classis vocatur; renunciatur: deinde, ut adsolet, suffragatum secunda classis vocatur; quæ omnia citius sunt facta, quàm dixi. [a] Confecto negotio, bonus Augur (Lælium diceres) ALIO DIE, inquit. O impudentiam singularem! quid videras? quid senseras? quid audieras? nec enim te de cœlo servasse dixisti, neque hodie dicis: id igitur obvenit vitium, quod tu jam Kalendis Januar. futurum esse prævideras, et tanto ante prædixeras. Ergo, hercule, magna, ut spero, tuâ potius, quàm reipublicæ calamitate, ementitus es auspicia: obstrinxisti populum Romanum religione: Augur Auguri, Consul Consuli obnunciavisti. Nolo plura, ne acta Dolabellæ videar [b] convellere; quæ necesse est aliquando ad nostrum collegium deferantur. Sed arrogantiam hominis insolentiamque cognoscite: quamdiu tu voles, vitiosus Consul Dola-

a *lato suffragio.* b *rescindere.*

hinder that which he could not hinder without a cause, and saying that he would divine concerning future things.

33. *Ad idus Martias.*] This was the time in which Cæsar was slain.

34. *Omnia rogabat.*] Antony asked every thing of Cæsar.

35. *In aversam lecticam.*] Antony followed the couch in which Cæsar was carried.

Ib. *Quæ venderet.*] He received kindnesses from Cæsar for nothing, and afterwards sold them to others.

36. *Sortitio prærogativæ.*] By the institution of the *comitia centuriata*, Servius Tullius secretly conveyed the whole power from the commons, for the centuries of the first and richest class being called out first, who were three more in number than all the rest put together; if they all agreed, as they generally did, the business was already decided, and the other classes were useless and insignificant. The commons, to rectify this disadvantage, obtained, in earlier times, that, before they proceeded to take the vote on any matter, at this *comitia*, that century should give their suffrages first upon whom it fell by lot, with the name of *centuria prærogativa*. The other centuries had the appellation of *jure vocatæ*, because they were called out according to their proper places.

37. *Renunciatur.*] Dolabella is declared consul by the first class.

39. *Bonus Augur.*] He ironically compares Antony with Lælius, an augur, whose name stood high in the republic, for wisdom and prudence.

40. *Alio die.*] When Antony saw that Dolabella was elected consul, he said that the election must be held over again, as if there had been some fraud used.

41. *Quid videras.*] He now reproaches the impudence of Antony, who, notwithstanding that he had not discovered any thing unauspicious, yet dared to say that the *comitia* were unlawful.

42. *Obvenit vitium.*] When Cæsar had chosen Antony for his colleague, he resolved immediately to abdicate in favour of Dolabella. To this Antony opposed the unauspicious appearance of the omens, as he was offended with Dolabella, who, he said, could not be made consul without great injury to the republic, and especially to the authority of the augurs, which will thus be neglected. But Cicero says, that the fault which had been foreseen had come to pass, but the predicted calamity had fallen more upon him than on the republic.

45. *Obstrinxisti populum Rom.*] Antony terrified the Roman people with the fear of the wrath of the gods, when he said that Dolabella had been proclaimed consul by him, contrary to the religion of the auspices.

46. *Augur Auguri.*] Antony was augur and consul, and so was Cicero. But the consuls could both retain and corrupt the omens among themselves; but the inferior magistrates could not proclaim the consuls.

48. *Ad nostrum collegium.*] The college of augurs.

49. *Vitiosus consul.*] He was called a *vitious* consul, in whose election something unpropitious happened, such as rain, lightning, or the like. But those auspices were called *salva*, in which nothing of the kind happened.

bella; rursus cùm voles, salvis auspiciis creatus: si nihil est, cùm Augur iis verbis nunciat, quibus tu nunciasti; confitere te, cùm, ALIO DIE, dixeris, sobrium non fuisse: sin est aliqua vis in istis verbis, ea quæ sit, Augur à collegâ requiro.

XIV. Sed ne forte, ex multis rebus gestis M. Antonii, rem unam [a] pulcherrimam transiliat oratio, ad Lupercalia veniamus. Non dissimulat, P. C. apparet esse commotum; sudat, pallet: quidlibet, modò ne [b] nauseat, faciat, quod in porticu Minuciâ fecit: quæ potest esse turpitudinis tantæ defensio? cupio audire; ut videam ubi rhetoris tanta merces, ubi campus Leontinus appareat. Sedebat in rostris collega tuus, amictus togâ purpureâ, in sella aurea, coronatus: adscendis: accedis ad sellam; (ita eras Lupercus, ut te Consulem esse meminisse deberes) diadema ostendis: gemitus toto foro; unde diademe? non enim abjectum sustuleras, sed attuleras domo meditatum et cogitatum scelus. Tu diadema imponebas cum [c] plangore populi; ille cùm plausu rejiciebat. Tu ergo unus, scelerate, inventus es, qui cùm auctor regni esses, eum, quem collegam habebas, dominum habere velles, et idem [d] tentares, quid populus Romanus ferre et pati posset. At etiam misericordiam captabas, supplex te ad pedes abjiciebas? quid petens? ut servires; tibi uni peteres, qui ita à puero vixeras, ut omnia paterere, ut facilè servires? á nobis populoque Romano mandatum id certè non habebas. O præclaram illam eloquentiam tuam, cùm es nudus concionatus! quid hoc turpius? quid fœdius? quid suppliciis omnibus dignius? num expectas, dum te stimulis fodiam? hæc te, si ullam partem habes sensùs, lacerat, hæc cruentat

a *turpissimam.* b *evomat.* c *gemitu.* d *experireris.*

50. *Si nihil est.*] If there was nothing observed by the augur.

52. *Sin est aliqua.*] If there was any thing observed which should be declared.

2. *Lupercalia.*] This festival was celebrated on the fifteenth of February. Livy, Dionisius Halicarnassus and Plutarch tell us, that it was brought by Evander out of Greece. The ceremonies observed in it, were of a very singular nature. First, two goats and a dog were killed, then the foreheads of two young men of distinction were touched with the bloody knife, and they were to laugh when they were thus touched. When this was done, the skins of the victims were cut into thongs and whips for the young men, who, armed in this manner, and covered only with a pair of drawers, ran about the city and fields, striking all they met. The young married women suffered themselves to be struck by them, and believed that those strokes were a help to fruitfulness.

4. *Porticu Minuciâ.*] That Minucian Portico was in the ninth district of the city; it was so called from the Minucian gate, which was in its neighbourhood, or from an altar near it, sacred to Minucius, whom the Romans worshipped as a god.

5. *Ubi rhetoris.*] He intends Sextus Clodius.

7. *Collega tuus.*] Julius Cæsar sat in the *rostra*, where the judges alone had a right to it.

8. *Ita eras Lupercus.*] Cæsar received from the senate the most extravagant honours, both human and divine, which flattery could invent. Among other compliments that were paid him, there was a new fraternity of *Luperci* instituted to his honour, and called by his name, of which Antony was the head. Cæsar, in his triumphal robe seated himself in the *rostra* in a golden chair to see the diversion of the running; when, in the midst of their sport, the consul Antony, at the head of his naked crew, made him the offer of a regal diadem, and attempted to put it on his head.

10. *Meditatum et cogitatum scelus.*] He shows that this diadem had not been found by chance, but that with the greatest wickedness they had previously resolved to place it upon Cæsar's head to show his supreme dominion over the people.

16. *Tibi uni peteres.*] It would have been tolerable, if he had only sought to serve himself.

19. *Nudus concionatus.*] The *Luperci* went almost naked in the *Lupercialia*, and as Antony was one of them, he is well said by Cicero to have addressed the people naked.

oratio. Vereor ne imminuam summorum virorum gloriam: dicam tamen dolore commotus: quid indignius, quàm vivere eum, qui imposuerit diadema; cùm omnes fateantur jure interfectum esse, qui abjecerit? At etiam adscribi jussit in fastis, ad Lupercalia, C. CÆSARI, DICTATORI PERPETUO, M. ANTONIUM CONSULEM POPULI JUSSU REGNUM DETULISSE, CÆSAREM UTI NOLUISSE. Jam jam minimè miror, te otium perturbare; non modò urbem odisse, sed etiam lucem; cum perditissimis latronibus non solùm de die, sed etiam in diem vivere. Ubi enim tu in pace consistes? qui locus tibi in legibus et in judiciis esse potest, quæ tu, quantum in te fuit, dominatu regio sustulisti? Ideone L. Tarquinius exactus; Sp. Cassius, Sp. Melius, M. Manlius necati, ut multis pòst seculis, à M. Antonio, quod fas non est, rex Romæ constitueretur? Sed ad auspicia redeamus. De quibus rebus Idibus Martiis fuit in Senatu Cæsar acturus, quæro tum tu quid egisses? Audiebam quidem te paratum venisse, quod me de ementitis auspiciis, quibus tamen parere necesse erat, putares esse dicturum. Sustulit illum diem [a] fortuna populi Romani: num etiam tuum de auspiciis judicium interitus Cæsaris sustulit? Sed incidi in id tempus, quod iis rebus, in quas ingressa erat oratio, prævertendum est.

XV. Quæ tua fuga? quæ formido præclaro illo die? quæ propter conscientiam scelerum desperatio vitæ? cùm ex illâ fugâ, beneficio eorum, qui te, si sanus esses, salvum esse voluerunt, clam te domum recepisti? O mea frustra semper verissima Auguria rerum futu-

[a] *felicitas.*

24. *Interfectum esse.*] Cæsar was slain by Brutus and Cassius, and the other conspirators, because he seemed to claim royal dominion to himself, although he did refuse the *insignia*. But Antony, who wished to put them upon him, was far more worthy of death.

25. *In fastis atque lupercalia.*] The *fasti* were books, in which the annals of the whole year, and the acts of the consuls, were recorded.

Ib. *Ad Lupercalia.*] He intends the time at which the diadem was offered by Antony to Cæsar. Thus Cicero, in his epistle to Brutus: *Decrevi ut in fastu ad cum diem Bruti nomen adscriberetur.*

26. *Dictatori.*] He invidiously says, that he had written *Dictatori perpetuo;* because a dictator was only appointed for six months, in times of great discord among the citizens.

27. *Populi jussu regnum detulisse.*] Antony basely pretended, that the people gave the empire to Cæsar.

30. *De die.*] *Vivere de die* signifies to feast and live sumptuously every day; *in diem vivere*, to have no manner of consideration, to be regardless of futurity, and unconcerned about the censure or applause of the world.

33. *Sp. Cassius.*] When Cassius gave to the people the money which he received for the Sicilian corn, he was slain.

Ib. *Sp Melius.*] *See Orat. pro Mil. parag.* 15. *not. ad. l.* 5.

Ib. *M. Manlius.*] M. Manlius defended the capitol against the Gauls; but when he set at liberty many who were oppressed with debt, he was condemned for aspiring to the kingdom, and thrown from the rock Tarpeia; and the senate decreed, that no one of the Manlian family should afterwards take the surname of Marcus.

36. *Cæsar acturus.*] Cæsar intended, before he went against the Parthians, to propose the validity of Dolabella's election to the consideration of the senate.

39. *Interitus Cæsaris.*] Cæsar was now dead.

40. *Incidi in id tempus.*] He says that he, unwilling and contrary to his intention, had referred to the times which followed Cæsar's death.

1. *Quæ tua fuga.*] Antony no sooner heard of the death of Cæsar, than, casting away his consular insignia, he consulted for his safety by flight.

2. *Beneficio eorum.*] Brutus and Cassius, and the other conspirators, (but especially Brutus,) when they deliberated about killing Antony, forbade his being injured, as Plutarch informs us.

4. *Frustra semper verissima.*] The forebodings of Cicero were indeed true, for

rarum! dicebam illis in Capitolio liberatoribus nostris, cùm me ad te ire vellent, ut ad defendam rempublicam te adhortarer: quoad metueres, omnia te promissurum: simul ac timere desiisses, similem te futurum tui. Itaque cùm cæteri Consulares irent, redirent, in sententiâ mansi; neque te illo die, neque postero vidi: neque ullam societatem optimis civibus cum importunissimo hoste fœdere ullo confirmari posse credidi. Post diem tertium veni in ædem Telluris, et quidem invitus, cùm omnes aditus armati obsiderent; qui tibi ille dies, Antoni, fuit? quanquam mihi subitò inimicus extitisti, tamen me tui miseret, quod tibi invideris. Qui tu vir, dii immortales! et quantus fuisses, si illus diei [a] mentem servare potuisses? pacem haberemus, quæ erat facta per obsidem puerum nobilem [M. Antonii filium] M. Bambalionis nepotem: quanquam te bonum timor faciebat, non diuturni magister officii; improbum fecit ea, quæ dum timor abest, à te non discedit, audacia: etsi tum, cùm optimum te putabant, me quidem dissentiente, funeri [b] tyranni, si illud funus fuit, sceleratissimè præfuisti: tua illa pulchra laudatio, tua miseratio, tua cohortatio: tu, tu, inquam, illas faces incendisti, et eas, quibus semiustulatus ille est, et eas quibus incensa L. Bellieni domus drflagravit; tu illos impetus perditorum hominum et ex maximâ parte servorum, quos nos vi manùque repulimus, in nostras domos immisisti. Idem tamen, quasi fuligine abstersâ reliquis diebus in Capitolio præclara Senatusconsulta fecisti, ne qua post Idus Martias immunitatis tabula, neve cujus beneficii figeretur. Meministi ipse de exulibus: scis de immunitate quid dixeris; optimum verò, quod Dictaturæ nomen in

a *consilium*. b *Cæsaris*.

both before and after the civil war, he had foretold what things should come to pass, and they so happened; but neither Cæsar, nor Pompey, nor Brutus, would believe him. For he advised Cæsar and Pompey to settle affairs between themselves, and Brutus to distrust Antony; but none of them would heed him while speaking.

5. *Liberatoribus nostris.*] He calls Brutus, Cassius, and the other conspirators, our liberators.

11. *Post diem tertium.*] After the death of Cæsar.

Ib. *Ædem Telluris.*] See *Philip.* 1. *parag.* 1. *not. ad. l.* 7.

12. *Obsiderent.*] After the death of Cæsar, M. Lepidus filled the forum with soldiers, during the night.

16. *M. Antonii filium.*] Antony sent his son as a hostage into the capitol to Brutus, of which see *Philip.* 8. *parag. not. ad. l.* 13.

17. *Bamdalionis.*] See *Philip. parag.* 2. *not. ad. l.* 4.

21. *Pulchra laudatio.*] Antony spoke an oration in praise of Cæsar, in which he stirred up the people against his murderers.

Ib. *Tua miseratio.*] He excited commisseration of the people, not only words, but also by showing an image Cæsar, which he had made in wax, and unfolding with his own hands his garment sprinkled with blood.

Ib. *Tua cohortatio.*] In the same oration, he exhorted the people to avenge the death of Cæsar.

22. *Illas faces incendisti.*] The populace, excited by the spectacle of Cæsar's dead body, and the eloquence of Antony, who made the funeral oration, committed numberless acts of violence, and amongst others set fire to the house of Bellienus, who was a senator.

26. *Fuligine.*] When Antony was delivering his oration, he was blacked with the smoke from Cæsar's funeral pile.

27. *Immunitatis tabula.*] Many immunities and exemptions from war had been given by Cæsar to his soldiers, which Antony also wished to confer of his own accord; but at the advice of Servius Sulpicius, a decree of the senate was made, which forbade the granting of such privileges thereafter.

28. *Figeretur.*] The laws, decrees, and other immunities of this kind which were granted, were engraven upon brazen tables, and fixed up in the capitols and other public places, that they might be seen by all.

29. *Dictaturæ nomen.*] He passed a

perpetuum de republicâ sustulisti; quo quidem facto tantum te cepisse odium regni videbatur, ut ejus omnem, propter proximum Dictatorem, tolleres metum; [a] consituta respublica videbatur aliis, mihi vero nullo modo, qui omnia, te gubernante, naufragia metuebam. Num me igitur fefellit? aut num duitiùs sui potuit esse dissimilis? inspectantibus vobis, toto Capitolio tabulæ figebantur: neque solùm singulis [b] veniebant immunitates, sed etiam populis universis: civitas non jam sigillatim, sed provinciis totis dabatur. Itaque si hæc manent, quæ stante republicâ manere non possunt, provincias universas, P. C. perdidistis: neque vectigalia solùm, sed etiam imperium populi Romani hujus domesticis [c] nundinis diminutum est. Ubi est septies millies sestertiùm, quod in tabulis, quæ sunt ad Opis, patebat? funestæ illius quidem pecuniæ; sed tamen, si iis, quorum erant, non redderentur, quæ nos à tributis possent vindicare. Tu autem H. S. quadringenties, quod idibus Martiis debuisti, quonam modo ante Kalendas Apriles debere desiisti? [Quid ego de commentariis infinitis, quid de innumerabilibus chirographis loquar?] Sunt ea quidem innumerabilia, quæ à diversis emebantur [d] non insciente te: sed unum egregium de rege Dejotaro, populo Romano amicissimo, decretum in Capitolio fixum: quo proposito, nemo erat, qui in ipso dolore risum posset continere. Quis enim cuiquam inimicior, quàm Dejotaro Cæsar? æquè atque huic ordini, ut equestri, ut Massiliensibus, ut omnibus, quibus rempublicam populi Romani caram esse sentiebat. Igitur à quo vivo, nec præsens, nec absens rex Dejotarus quidquam æqui boni impetravit, apud mortuum factus est [e] gratus. Compellàrat hospitem præsens, computàrat, pecuniam imperàrat, in ejus tetrarchiam unum

a *pacata.* b *vendebantur.* c *pactionibus.* d *te conscio.* e *gratiosus.*

law, that no one, for any cause, should speak of making a dictator, or receive the dictatorship when offered; and, that it should be lawful to kill him who did otherwise.

36. *Civitas.*] The privilege of Roman citizens was granted to single and private men.

41. *Quod in tabulis.*] He speaks of books in which an account of the sums of money was contained.

Ib. *Ad Opis.*] Supply *ædem*, the temple of Ops, where the treasury was kept.

Ib. *Funestæ illus quidem pecuniæ.*] He says, that the money was abominable, because it was collected from the proscriptions of the goods of Pompey's adherents.

43. *Quæ nos à tributis.*] This money, though unjustly collected, would free private citizens from the tribute which they were obliged formerly to pay the republic.

45. *Debere desisti.*] He asks how Antony so suddenly paid his debts. But he speaks ironically, for he had not really paid them; but, by a certain tyrannical right, had liberated himself from them.

Ib. *De commentariis infinitis.*] See *Philip.* 1. *parag.* 1. *l.* 18.

47. *De rege Dejotaro.*] Dejotarus was a king of Gallatia, and a faithful ally of Rome. For his adherence to Pompey, he was deprived of part of his dominions by Cæsar; at whose death, his agents at Rome bargained with Antony for the sums of eighty thousand pounds, to restore the good old king to his dominions again. But in this he was beforehand with them; for he no sooner heard Cæsar's death then he seized by force upon what he had been unjustly deprived of.

51. *Massiliensibus.*] The Massilians were always most friendly to the Roman people. Upon them, Antony, by his lieutenants, D. Brutus, and A. Frebonius, had made war. He was offended with them, because they favoured Pompey and the senate.

53. *Nec præsens.*] Cæsar saw Dejotarus, as he went into Asia against Pharmax, and as he returned.

Ib. *Nec absens.*] Dejotarus was twice defended before Cæsar at Nicea, by M. Brutus, and at Rome by Cicero.

54. *Compellàrat.*] Cæsar had compelled Dejotarus to give him money.

55. *Computàrat.*] He had prepared his calculations, in which he had computed the sum which could be collected from

ex Græcis comitibus suis collocârat: Armeniam abstulerat à Senatu datam; hæc vivus eripuit, reddidit mortuus: at quibus verbis? modo æquum sibi videri, modo non iniquum: [a] mira verborum complexio; at [b] ille nunquam (semper enim absenti affui Dejotaro) quidquam sibi, quod nos pro illo postularemus, æquum dixit videri.

XVI. Syngrapha H. S. centies per legatos viros bonos, sed timidos et imperitos, sine nostrâ, sine reliquorum hospitum regis sententiâ, facta in gynæceo: quo in loco plurimæ res [c] venierunt et veneunt; quâ ex syngraphâ quid sis acturus meditari censeo. Rex enim ipse sua sponte, nullis commentariis Cæsaris, simul atque audivit ejus interitum, [d] suo Marte res suas recuperavit; sciebat homo sapiens, jus semper hoc fuisse, ut quæ tyranni eripuissent, ea, tyrannis interfectis, ii, quibus erepta essent, recuperarent. Nemo igitur jureconsultus, ne iste quidem, qui tibi uni est jureconsultus, per quem hæc agis, ex ista syngrapha deberi dicit pro iis rebus, quæ erant ante syngrapham recuperatæ: non enim à te emit; sed prius, quàm tu suum sibi venderes, ipse possedit. Ille vir fuit: nos quidem contemnendi, qui auctorem odimus, acta defendimus. Quid ergo de commentariis infinitis, quid de innumerabilibus chirographis loquar? quorum etiam imitatores sunt, qui ea, tanquam gladiatorum libellos, palàm venditent. Itaque tanti acervi nummorum apud istum construuntur, ut jam [e] appendantur, non numerentur, pecuniæ. At quàm cæca avaritia est! nuper fixa tabula est, quâ civitates locupletissimæ Cretensium vectigalibus liberantur: statuiturque, ne post M. Brutum Proconsulem sit Creta provincia. Tu mentis es compos? tu non constringendus? an Cæsaris decreto Creta post M. Bruti decessum potuit liberari, cùm Creta nihil ad Brutum, Cæsare vivo, pertineret? At hujus venditione decreti, ne nihil actum putetis, provinciam Cretam perdidistis. Omnino nemo ullius rei fuit emptor, cui defuerit hic venditor. Et de exulibus legem, quam fixisti, Cæsar tulit? nullius insector calamitatem: tantùm queror, primùm eorum reditus inquinatos, quorum causam dissimilem Cæsar judicaverit: deinde nescio, cur reliquis idem non tribuas: neque enim plus quàm tres aut quatuor reliqui sunt, qui

a *confusa dispositio.* b *Cæsar.* c *venditæ sunt et venduntur.* d *per se.* e *ponderentur.*

the kingdom of Dejotarus, that he might command the people to pay it.

8. *Ne iste quidem.*] He intends Sextus Clodius, the rhetorician, and adviser of Antony, who had recalled him from exile.

12. *Ille vir.*] Dejotarus, who acted bravely in recovering the things which Cæsar had taken from him.

Ib. *Auctorem.*] Cæsar, who was the author.

15. *Gladiatorum libellos.*] He refers to a custom of the gladiators; who, when they were about to enter upon an engagement, used to publish bills specifying the days of exhibition, and the names and pairs of the gladiators who were to engage in the contests.

19. *Post M. Brutum.*] After the death of Cæsar, the province of Crete was decreed to Brutus; but after the death of Brutus, Antony liberated it from the burden of a province: for he had not dared that before, lest he should injure Brutus. He says that the table was fixed, because the laws and decrees were written upon tables.

20. *Non constringendus.*] He accuses Antony of insanity.

22. *Creta nihil ad Brutum.*] Cæsar had decreed, for the following year, Syria to Cassius, and Macedonia to Brutus, as Appian informs us.

24. *Hic venditor.*] Antony.

Ib. *De exulibus.*] Antony pretended that a law had been reported by Cæsar to recal the exiles: he wished on have this hung up on the columns.

26. *Reditus inquinates.*] That is, their restoration was marked with ignominy; for some were restored later than others.

simili in calamitate sunt, cur tuâ misericordiâ simili non fruuntur? cur eos habes in loco patrui? de quo ferre, cum de reliquis ferres, noluisti; quem etiam ad censuram petendam impulisti, eamque petitionem comparasti, quæ et risus hominum et querelas moveret. Cur autem ea comitia non habuisti? an quia Tribunus-plebis sinistrum fulmen nunciabat? cùm tua quid interest, nulla auspicia sunt: cùm tuorum, tum sis religiosus? quid? eundem in septemviratu nonne destituisti? intervenit enim: quid metuisti? credo, ne salvo capite negare non posses: omnibus eum contumeliis onerasti, quem patris loco, si ulla in te pietas esset, colere debebas; filiam ejus, sororem tuam, [a] ejecisti, [b] alia conditione quæsita, et ante perspecta: non est satis; [c] probri insimulasti pudicissimam fœminam: quid est, quod addi possit? contentus eo non fuisti; frequentissimo Senatu Kalendis Jan. sedente patruo, hanc tibi esse cum Dolabella odii causam ausus es dicere, quòd ab eo sorori et uxori tuæ stuprum oblatum esse comperisses. Quis interpretari, potest, impudentior-ne, qui in Senatu: an improbior, qui in Dolabellam; an impurior, qui patre audiente; an crudelior, qui in illam miseram tàm spurcè, tàm impiè dixeris? Sed ad chirographa redeamus: [d] quæ fuit tua cognitio? acta enim Cæsaris pacis causâ confirmata sunt à Senatu: quæ quidem Cæsar egisset, non ea, quæ Cæsarem egisse dixisset Antonius. Unde ista erumpunt? quo auctore proferuntur? si sunt falsa, cur probantur? si vera, cur [e] veneunt? At sic placuerat, ut ex Kalendis Juniis de Cæsaris actis cum consilio cognosceretis. Quod fuit consilium? quem unquam advocasti? quas Kalendas Junias expectasti? an eas, ad quas te, peragratis veteranorum coloniis, stipatum armis retulisti? O præclaram

a *repudiasti.* b *alia uxore.* c *stupri.* d *cur ea tu solus cognovisti?* e *venduntur?*

Some read it *redius æquatos*, because, though the crimes of some were worse than those of others, and consequently should be punished more severely, yet Antony made them all alike, and did not indeed restore them according to Cæsar's, but to his own mind.

30. *In loco patrui.*] C. Antonius had been the colleague of Cicero in the consulship: he was the uncle of Antony, and had been accused of extortion by Cœlius, on account of his having plundered Macedonia; he was defended by Cicero, and sent into exile. But though Antony had restored many from exile to their former dignity, he had never thought of his uncle.

31. *Ad censuram petendam impulisti.*] When C. Antonius was restored, he excited him to sue for the censorship, and suborned the most trifling and abject men to be his competitors, so that he both excited the laughter and complaints of sober men, because persons of this description were candidates for the censorship, and because a most noble man was thus trifled with by Antony.

33. *Comitia non habuisti.*] The censors were elected at the *comitia centuriata*, held by the consuls.

Ib. *An quia Tribunus-plebis sinistrum.*] When thunder was heard to the left, it was looked upon as a happy presage upon every other occasion, but that of holding the *comitia*, when it was deemed an unhappy one.

35. *Religiosus.*] This is irony. But Antony was an augur, on which account he did not suppose that his affairs were under the auspices, but persuaded himself that he and his were without control.

Ib. *Eundem in septemviratu.*] Seven commissioners, called the *septemviri*, were appointed to take care of the feasts established in honour of the gods. It is probable, however, that Cicero here means one of the seven commissioners, appointed after Cæsar's death, for dividing the Campanian and Leontine lands.

36. *Intervenit enim.*] As C. Antony was present, Antony could not plead that he was absent.

43. *Quod ab eo sorori et uxori tuæ stuprum oblatum esse comperisses.*] Antony's declaring that the ground of his quarrel with Dolabella, was his having caught him in an attempt to debauch his wife Antonia, the daughter of his uncle, was probably without any foundation, and contrived only to colour his divorce with

illam [a] percursationem tuam mense Aprili atque Maio, tum, cùm etiam Capuam deducere coloniam conatus es! quemadmodum illinc abieris, vel potius penè non abieris, scimus: [b] cui tu urbi minitaris; utinam conere, ut aliquando illud, PENE, tollatur. At quàm nobilis est tua illa peregrinatio? quid prandiorum apparatus, quid furiosam vinolentiam tuam proferam? tua ista detrimenta sunt, illa nostra. Agrum Campanum, qui cùm de vectigalibus eximebatur, ut militibus daretur, tamen infligi magnum reipublicæ [c] vulnus putabamus: hunc tu compransoribus tuis, et collusoribus dividebas; mimos dico et mimas, P. C. in agro Campano collocatos. Quid jam querar de agro Leontino? quandoquidem hæ quondam arationes, Campana et Leontina, in populi Romani patrimonio grandi fœnore, et fructuosæ ferebantur. Medico tria millia jugerum, quasi te sanum fecisset; Rhetori duo, quasi disertum facere potuisset.

XVII. Sed ad iter, Italiamque redeamus. Deduxisti coloniam Casilinum, quò Cæsar ante deduxerat. Consuluisti me per literas de Capuâ tu quidem (sed idem de Casilino respondissem) posses-ne, ubi colonia esset, eò coloniam novam jurè deducere: negavi in eam coloniam, quæ esset auspicatò deducta, dum esset [d] incolumis, coloniam novam jure deduci: colonos novos [e] adscribi posse rescripsi: tu autem, [f] insolentiâ elatus, omni auspiciorum jure turbato, Cassilinum coloniam deduxisti, quo erat paucis annis ante deducta, ut vexillum tolleres, et aratrum circumduceres; cujus quidem vomere portam Capuæ penè perstrinxisti, ut florentis coloniæ territorium minueretur. Ab hâc perturbatione [g] religionum [h] advolas in M. Varronis, sanc-

a *peragrationem.* b *quali.* c *damnum.* d *integra.*
e *adjungi.* f *superbiâ* g *auguriorum.* h *invadis.*

her and his late marriage with Fulvia, the widow of Clodius.

56. *Capuam Coloniam.*] Antony, in order to gain the veteran soldiers to his service, wanted to give them the Capuan lands, and to settle a new colony there. He went to Capua in order to divide the lands, but the inhabitants made a vigòrous resistance, and had almost put him to death.

61. *Agrum Campanum.*] The Campanian land was public and tributary; but notwithstanding this, Antony was anxious to divide it among the soldiers, that they might be attached to him.

64. *Agro Leontino.*] The Leontine land is in Sicily, this he gave to Sextus Clodius, his teacher of elocution.

66. *In pop. Rom. patrimonio.*] Those lands had been for a long time the patrimony of the Roman people.

Ib. *Grandi fœnore et fructuosæ.*] That is, those most fertile lands yielded much fruit to the Roman people. In other copies, it is read *grandiferæ*, but that word is applied to oaks which are barren; unless that Cicero wished to intimate that these lands abounded with acorns, suitable for feeding swine.

68. *Quasi disertum facere potuisset.*] Clodius, the rhetorician, had lost his labour in teaching Antony oratory, for which he received three thousand acres of land; but how much more would he have received, if he had succeeded in teaching him.

2. *Casilinum.*] Casilinum is a town of Campania on the river Vutturnus, to which place Cæsar led out a colony immediately after the close of the civil wars.

5. *Auspicatò deducta.*] The Romans did nothing without first consulting the auspices.

8. *Ut vexillum tolleres.*] This used to be done in leading out colonies. The soldiers, after having finished their campaigns, were taken out as colonists; they were led out under a banner, which was set up when they came to the destined place.

9. *Aratrum circumduceres.*] The lands which were granted to the new colonists were marked with a plough.

Ib. *Portum Capuæ.*] There was a piece of ground of so great extent, attached to the Cassilinensian lands, that it reached almost to the gate of the city of Capua.

11. *In M. Varronis.*] Varro was a sena-

tissimi atque integerrimi viri, fundum Cassinatem: quo jure? quo ore? eodem, inquies, quo in hæredum L. Rubrii, quo in hæredum L. Turselii prædia, quo in reliquas innumerabiles possessiones. Et si ab hastâ, valeat hasta, valeant tabulæ, modò Cæsaris, non tuæ: quibus debuisti, non quibus tu te liberavisti. Varronis quidem Cassinatem fundum quis [a] veniisse dicit? quis hastam istius venditionis vidit? quis vocem præconis audivit? misisse te dicis Alexandriam, qui emeret à Cæsare: ipsum enim expectare magnum fuit: quis verò audivit unquam (nullius autem salus curæ pluribus fuit) de fortunis Varronis rem ullam esse detractam? Quòd si etiam scripsit ad te Cæsar, ut redderes; quid satis potest dici de tantâ impudentiâ? Remove gladios illos parumper, quos videmus: jam intelliges, aliam causam esse hastæ Cæsaris, aliam confidentiæ et temeritatis tuæ; non enim te dominus modò illis sedibus, sed quivis amicus, vicinus, hospes, procurator arcebit. At quàm multos dies in eâ villâ turpissimè es perbacchatus? ab horâ tertiâ bibebatur, ludebatur, vomebatur. O tecta ipsa misera, *quàm dispari domino!* quanquàm quomodo iste dominus? sed tamen quàm à dispari tenebantur! studiorum enim suorum M. Varro voluit esse illud, non libidinum diversorium: quæ in illâ villâ anteà dicebantur? quæ cogitabantur? quæ literis mandabantur? jura populi Romani, monumenta majorum, omnis sapientiæ ratio omnisque doctrinæ. At verò, te inquilino (non enim domino) personabant omnia vocibus ebriorum: natabant pavimenta vino: madebant parietes: ingenui pueri cum meritoriis, scorta inter matresfamilias versabantur. Cassino salutatum veniebant, Aquino, Interamna: admissus est nemo; jure id quidem. In homine enim tur-

a *venditum esse.*

tor of the first distinction, both for birth and merit, Cicero's intimate friend, and esteemed the most learned man of Rome. He had served as Pompey's lieutenant in Spain, in the beginning of the war; but after the defeat of Afranius and Petreius, quitted his arms and retired to his studies.

14. *Et si ab hasta.*] Cicero grants to Antony that his purchase of those lands was legitimate, because they were sold by Cæsar.

16. *Quibus debuisti.*] The accounts of the senators were produced, from which it appeared that he owed a great sum of money on the ides of March; concerning which, see above.

Ib. *Non quibus tu te liberavisti.*] Antony produced accounts under fictitious names, by which he freed himself from debt.

19. *Magnum fuit.*] This is irony. Antony's avarice was such, that he could not wait till Cæsar returned to Rome.

22. *Ut redderes.*] Cæsar had written to Antony to restore to Varro his Cassinian farm.

Ib. *Remove gladios.*] He shows that he had obtained Varro's farm by force of arms, and he distinguishes the cause of Cæsar from the audacity of Antony.

24. *Non Dominus modò.*] If Antony were destitute of arms, Varro, the rightful owner of the farm, would not only not receive him, but there would be no one who would not cast him out from those possessions which he had so unjustly claimed to himself.

27. *Ab horâ tertiâ.*] Many suppose that Cicero here refers to the third hour of the night, and to those midnight revellings which he had so often reprehended in Catiline. But it was much more base to rest from the third hour of the day, when the ninth was the usual time of supper among the sober.

30. *Diversorium.*] He calls it an inn, because he only dwelt for a short time in a villa to relax his mind.

35. *Meritoriis.*] *Pueri meritorii* were those who made gain by their bodies.

Ib. *Matres-familias.*] Chaste women, whether married or single.

36. *Cassino salutatum veniebant, Aquino, Interamna.*] Cassinum was a town of Campania, now called Monte Cassino. Aquinum was a town of the Latins near Samnium; it was the place of Juvenal's

pissimo [a] obsolebant dignitatis insignia. Cùm inde Romam proficiscens ad Aquinum accederet, obviàm ei processit (ut est frequens municipium? magna santè multitudo; at iste opertâ lecticâ latus est per oppidum, ut mortuus. Stultè Aquinates; sed tamen in viâ habitabant· quid Anagnini? qui, cùm essent [b] devii [obviàm ei] descenderunt, ut istum, tanquàm si esset Consul, salutarent: incredibile dictu est; tamen inter omnes constabat, neminem esse resalutatum; præsertim cùm duos secum Anagninos haberet, Mustellam et Laconem: quorum alter gladiorum est princeps, alter poculorum. Quid ego illas istius minas contumeliasque commemorem, quibus invectus est in Sidicinos? vexavit Puteolanos, quòd C. Cassium, quòd Brutos patronos adoptassent: magno quidem judicio, studio, benevolentiâ, caritate; non ut te, tu Basilum, vi et armis, et alios vestri similes, quos clientes nemo habere velit, non modò esse illorum cliens. Intereà dum tu abes, qui dies ille collegæ tui fuit, cùm illud, quod tu venerari solebas, bustum in foro evertit? quâ re tibi nunciatâ, ut constabat inter eos, qui unà fuerunt, concidisti; quid evenerit postea, nescio: metum credo valuisse, et arma. Collegam quidem de cœlo detraxisti; effecistique non tu quidem etiam nunc, ut sit similis tui, sed certè ut dissimilis esset sui.

XVIII. Qui verò reditus inde Romam? quæ perturbatio totius urbis? memineramus Cinnam nimis potentem; Syllam posteà dominantem, Cæsarem regnantem videramus: erant fortasse gladii, sed ii absconditi, nec ita multi; ista verò quæ et quanta barbaria est? agmine quadrato cùm gladiis sequuntur milites: [d] scutorum lecticas portari videmus. Atque his quidem jam inveteratis P. C consuetu-

a *obscurabantur.* b extra *viam.* d plenas *scutis.*

birth, and is now called Aquino. Interamna was a town of Campania, not far from Aquinum; it derived its name from its situation between the rivers Melpis and Liris.

41. *Stultè Aquinates.*] The Aquinates who dwelt along the Latian way, on which he journeyed, went out to meet Antony; but this was foolish, for he did not deserve so great an honour.

42. *Anagnini.*] Anagnia is a town of Campania.

48. *Sidicinos.*] Sidicinum or Teanum was a colony or city of Campania, opposite Cassinum.

Ib. *Puteolanos.*] Puteoli was a maritime city of Campania. Festus says, *Puteolos dictos putant ab aquæ calidæ putore: quidam a multitudine puteorum earundem aquarum gratia factorum.*

Ib. *Brutos.*] It was customary for nations to have their patrons at Rome, to whom they became clients.

50. *Basilum.*] This Basilus first followed Pompey, and afterwards Antony.

52. *Collegæ.*] He refers to Dolabella, who overthrew the bust of Cæsar, concerning which he spoke *Philip.* I. *parag.* 1.

55. *Metum credo, et arma.*] Here Cicero reproves Dolabella, because he had forsaken the party of the republic; not through fear of Antony's arms, as he said, but because he had been bribed by him.

Ib. *De cælo detraxisti.*] *De cælo detrahere*, is to bring any one down from the highest glory, or to deprive him of praise; for when we praise any one, we are said to exalt him to heaven.

56. *Effecisti.*] As Dolabella was not so wicked as Antony, he was not just like him; but he had become worse than he was before.

2. *Cinnam.*] Cinna was a Roman citizen, who, having liberated the servants, laid waste the republic and conquered his enemies.

Ib. *Syllam.*] Sylla seized the dictatorship, and in it exercised the greatest cruelties against the citizens, after he had subdued the Marian faction.

3. *Gladii absconditi.*] Cinna, Sylla, and Cæsar, had in reality usurped the supreme power, but not so openly as Antony.

4. *Agmine quadrato.*] The soldiers, as if always prepared for battle, followed Antony.

dine obduruimus; Kalendis Juniis, cùm in Senatum, ut erat constitutum, venire vellemus, metu perterriti repentè diffugimus: at iste, qui Senatu non egeret, neque desideravit quemquam, et potiùs discessu nostro lætatus est, statim illa mirabilia facinora effecit: qui chirographa Cæsaris defendisset lucri sui causâ, is leges Cæsaris, easque præclaras, ut rempublicam concutere posset, evertit; numerum annorum provinciis prorogavit; idemque, cùm actorum Cæsaris defensor esse deberet, et in publicis, et in privatis rebus acta Cæsaris rescidit. In publicis actis nihil est lege gravius: in privatis firmissimum est testamentum. Leges alias sine promulgatione sustulit: alias, ut tolleret promulgatas, promulgavit. Testamentum irritum fecit: quod etiam [a] infimis civibus semper [b] obtentum est; [c] signa, [d] tabulas, quas populo Cæsar unà cum hortis legavit, eas hic partim in hortos Pompeii deportavit, partim in villam Scipionis. Et tu in Cæsaris memoriâ diligens? Tu illum amas mortuum? quem is [e] majorem honorem consecutus erat, quàm ut haberet pulvinar, simulacrum, fastigium flaminem? est ergò flamen, ut Jovi, ut Marti, ut Quirino, sic Divo Julio Marcus Antonius? quid igitur [f] cessas? cur non [g] inaugurare? sume diem: vide, qui te inauguret: collegæ sumus: nemo negabit. O detestabilem hominem, sive quòd tyranni sacerdos es, sive quòd mortui! Quæro deinceps, num hodiernus dies qui sit ignores? nescis, heri quartum in Circo diem ludorum Romanorum fuisse? te autem ipsum ad populum tulisse, ut quintus prætereà dies Cæsari tribuere-

a *abjectis.* b *ratum fuit.* c *statuas.* d *imagines.*
e *poterat consequi majorem honorem.* f *differs.* g *consecratis.*

7. *Kal. Jun.*] Antony returned into the city in the kalends of June, at which time, through fear of him, no senator dared to come into the senate house.

8. *At iste.*] Namely, Antony, who was a tyrant and did not need the assistance of the senate, as he wished to govern the republic according to his own will.

10. *Mirabilia facinora.*] He intends those things which were done contrary to the expectation of all. But it is irony; for he afterwards undertakes to show what things were done wickedly and ambitiously by Antony.

Ib. *Chirographa.*] Antony wished that Cæsar's bonds should be considered firm, because he could abuse them to his own lusts and avarice; but not his laws, as they strengthened the republic which he wished utterly to overthrow.

12. *Numerum annorum.*] Cæsar had made a law, that the prætorian provinces should not be held more than one, and the consular provinces more than two years; but Antony prolonged their command for many years in succession.

16. *Alias, ut tolleret,* &c.] He took away the true laws which Cæsar had made, and promulgated and explained false ones to the people.

19. *In hortos Pompeii.*] Antony had purchased these.

20. *Villam Scipionis.*] Antony had purchased this villa at public sale; it was situated on the Tiber.

22. *Fastigium.*] *Fastigium* was a pile like a pyramid, which, raised on high and adorned with various pictures, they erected at the consecration of the gods. That honour, therefore, was given to Cæsar; for as if in a sacred temple, so in his house there was a *fastigium* erected.

23. *Divo Julio.*] Those men were called gods, who were elevated to the rank of the gods above by their virtue.

25. *Collegæ sumus.*] Cicero and Antony were augurs.

26. *Sive quòd mortui!*] He contends that Cæsar should not be accounted a god, both because he was a tyrant and because he had been murdered.

27. *Quæro deinceps.*] M. Antony had reported to the people, that on the fifth day of the games sacred rites should be performed in honour of Cæsar, which Antony neglected, and for which Cicero now blames him.

28. *Ludorum Rom.*] These games were first instituted by Tarquinius Priscus, and were called *Romani*, or *circenses*, because they were exhibited in the *circus maximus*, in which the pugilists and horsemen contended.

tur? cur non sumus prætextati? cur honorem Cæsari tuâ lege datum deseri patimur? an supplicationes addendo diem contaminari passus es, pulvinaria noluisti? aut undique religionem tolle, aut usquequaque conserva. Quæres; placeatne mihi pulvinar esse, fastigium, flaminem? mihi verò nihil istorum placet. Sed tu, qui acta Cæsaris defendis, quid potes dicere, cur alia defendas, alia non cures? nisi fortè vis fateri te omnia quæstu tuo, non illius dignitate [a] metiri. Quid ad hæc tandem? expecto eloquentiam tuam: disertissimum cognovi avum tuum; at te etiam apertiorem in dicendo: ille nunquam nudus est concionatus; tuum hominis simplicis pectus vidimus. Respondebisne ad hæc? aut omninò [b] hiscere audebis? ecquid reperies ex tam longâ oratione meâ, cui respondere posse confidas? Sed præterita omittamus. Hunc unum diem, hunc unum, inquam, hodiernum diem, hoc [c] punctum temporis, quo loquor, defende, si potes: cur armatorum coronâ Senatus septus est? cur me tui satellites cum gladiis audiunt? cur [d] valvæ Concordiæ non patent? cur homines omnium gentium maximè barbaros, Ityræos, cum sagittis deducis in forum? Præsidii sui causâ se facere dicit.

PERORATIO.

In quà conatur Antonium ad Meliorem frugem revocare: et ab ipsà scelerum suorum magnitudine, quæ diuturna esse non potest; et ab exemplo Cæsaris eum confirmat, qui occisus est, cùm longè Antonium superaret: denique ostendit quantùm mortem contemnat, modo moriens populum Romanum liberum relinquat.

XIX. None igitur millies perire est melius, quàm in suâ civitate sine armatorum præsidio non posse vivere? Sed nullum est istuc, mihi crede, præsidium; caritate et benevolentiâ civium septum oportet esse, non armis. Eripiet, extorquebit tibi ista populus Romanus, utinam salvis nobis! sed quoquo modo nobiscum egeris, dùm istis consiliis uteris, non potes esse, mihi crede, diuturnus; etenim ista tua minimè avara conjux, quam ego sine contumeliâ describo, nimiùm debet diù populo Romano tertiam [e] pensionem. Habet populus Ro-

a *æstimare.* b *aperire* os. c *momentum.* d *fores.* e *solutionem.*

30. *Cur non sumus prætextati?*] From this place we learn, that those Romans for whom it was lawful to wear the prætexta, were present at those games in that dress.

31. *Supplicationes.*] Antony passed a law, requiring that thanksgivings should be given to Cæsar, as to a god.

32. *Pulvinaria noluisti.*] Antony was unwilling that shrines should be placed for the statue of Cæsar, lest by chance it might receive some injury. But Cicero reproves him, because he should either pay him all divine honours or none.

33. *Pulvinar esse.*] They conferred these four honours upon him which they gave to the gods:—an image or statue, a shrine on which it should be placed for the veneration of the people, a *fastigium*, and a priest.

37. *Expecto eloquentiam.*] He laughs at Antony, who was neither eloquent nor accustomed to speaking, and ironically compares him with his grandfather, who was an excellent orator, whom he praises every where throughout his book *De Orat.*

38. *At te etiam apertiorum.*] Cicero here alludes to Antony's haranguing naked during the festival of the *Lupercalia.* There is an obliquity in the original, which it is scarcely possible to preserve in an English translation.

44. *Armatorum coronâ.*] When Antony answered Cicero's first oration, he filled all the surrounding places with armed soldiers.

46. *Ityræos.*] Of these see above, *parag.* 4. *l.* 22.

5. *Salvis nobis.*] He casts up to Antony his design to kill him.

7. *Minimè avara conjux.*] Fulvia, the wife of Antony, was before married to

manus ad quos gubernacula reipublicæ deferat; qui ubicunque terrarum sunt ibi est omne reipublicæ præsidium, vel potiùs ipsa respublica, quæ se adhuc tantummodo ulta est, nondum recuperavit: habet quidem certè respublica adolescentes nobilissimos, paratos defensores; quàm volent, illi cedant, otio consulentes; tamen à republicâ revocabuntur. Et nomen pacis dulce est, et ipsa res salutaris; sed inter pacem et servitutem plurimum interest: pax est tranquilla libertas; servitus malorum omnium postremum, non modò bello, sed morte etiam repellendum. Quòd si seipsos illi nostri liberatores è conspectu nostro abstulerunt; at exemplum facti reliquerunt; illi, quod nemo fecerat, fecerunt. Tarquinium Brutus bello est persecutus, qui tamen rex fuit, cùm esse Romæ regem licebat. Spurii Cassius, Melius, M. Manlius propter suspicionem regni appetendi sunt necati: hi primi cum gladiis, non in regnum appententem, sed in regnantem impetum fecerunt; quod cùm ipsum factum per se præclarum atque divinum est, tùm expositum ad imitandum; præsertim cùm illi eam gloriam consecuti sint, quæ vix cœlo capi posse videatur. Etsi enim satis in ipsâ conscientiâ pulcherrimi facti fructus erat, tamen mortali immortalitatem non arbitror contemnendam. Recordare ignitur illum, M. Antoni, diem, quo Dictaturam sustulisti: pone ante oculos lætitiam Senatûs populique Romani: confer cum hac nummatione tua tuorumque; tum intelliges, quantum inter laudem et lucrum intersit; sed nimirùm, ut quidam morbo aliquo et sensûs stupore suavitatem cibi non sentiunt; sic libidinosi, avari, facinorosi veræ laudis gustum non habent. Sed si te laus allicere ad rectè faciendum non potest, ne metus quidem à fœdissimis factis potest avocare? Judicia non metuis, si propter innocentiam laudo; si propter vim, non intelligis, ei, qui isto modo judicia non timeat, quid timendum sit? Quòd si non metuis viros fortes, egregiosque cives, quòd à corpore tuo prohibentur armis; tui te, mihi crede, diutiùs non ferent. Quæ est autem vita, dies et noctes timere à suis? nisi verò majoribus habes beneficiis obligatos, quàm ille quosdam habuit ex iis, a quibus est interfectus. An tu es ullâ re cum eo comparandus? fuit in illo ingenium, ratio, memoria, literæ, cura, cogitatio, diligentia: res bello gesserat, quamvis reipublicæ calamitosas, attamen magnas: multos annos regnare meditatus, magno labore, magnis pereculis, quod cogitaret, effecerat: muneribus, [a] monumentis, congiariis, epulis, multitudinem imperitam delenierat: suos præmiis, adversarios [b] clementiæ

a *ædificiis*.

b *clementiâ fictâ*.

Clodius and Curio; she had impelled the two last to excite seditions. Both of them were slain; viz. Clodius, by Milo; and Curio, when his forces were destroyed, by Juba, king of Mauritania. The orator also hopes that Antony may soon be slain, by means of the wickedness of his wife.

9. *Ad quos.*] He intends Brutus and Cassius, who had gone into provinces after the death of Cæsar, as they were willing to yield to the occasion and consult for the safety of the republic; yet they can easily be recalled to defend the republic from the power of Antony.

19. *Tarquinium Brutus.*] Junius Brutus drove Tarquin from Rome.

22. *In regnantem.*] Cæsar.

29. *Nummatione.*] *Nummatio* signifies the great force of money. Others think it should be written, *Nundinatione.*

38. *Tui te.*] He says, that as Cæsar had been slain by his friends and acquaintances, so Antony was to be slain by his.

40. *Quosdam habuit.*] Cæsar had conferred many favours upon some of his murderers, particularly Decimus Brutus, whom he had named as his second heir. He had intrusted his son to Marcus Brutus.

45. *Congiariis.*] *Congiarum munus* was that which was given by an imperator.

specie devinxerat. Quid multa? attulerat jam liberæ civitati, partim metu, partim patientiâ, consuetudinem serviendi. Cum illo ego te dominandi cupiditate conferre possum: cæteris verò rebus nullo modo es comparandus. Sed ex plurimis malis, quæ ab illo reipublicæ sunt [a] inusta, hoc tamen boni est, quòd didicit jam populus Romanus, quantum cuique crederet, quibus se committeret, à quibus caveret. Hæc igitur non cogitas? nec intelligis, satis esse viris fortibus didicisse, quàm sit re pulchrum, beneficio gratum, famâ gloriosum, tyrannum occidere? an, cùm illum homines non tulerint, te ferent? certatim posthac, mihi crede, ad hoc opus curretur, nec occasionis tarditas expectabitur. Respice, quæso, aliquando rempublicam, M. Antoni: quibus ortus sis, non quibuscum vivas, considera: mecum, ut voles; cum republicâ redi in gratiam. Sed de te tu ipse videris: ego de me ipso profitebor; defendi rempublicam adolescens, non deseram senex: contempsi Catilinæ gladios, non pertimescam tuos; quinetiam corpus libenter obtulerim, si [b] repræsentari morte meâ libertas civitatis potest; ut aliquando dolor populi Romani pariat quod jamdiù parturit. Etenim si abhinc annos prope viginti hoc ipso in templo negavi, posse mortem immaturam esse Consulari, quanto veriùs nunc negabo seni? Mihi verò, P. C. jam etiam optanda mors est, perfuncto rebus iis, quas adeptus sum, quasque gessi: duo modò hæc opto; unum, ut moriens populum Romanum liberum relinquam; hoc mihi majus à diis immortalibus dari nihil potest: alterum, ut ita cuique eveniat, ut de republicâ quisque mereatur.

a *illata.* b *restitui.*

58. *Quibus ortus sis.*] M. Antony had in his family, M. Antony the celebrated orator, who was consul in the year of the city 654, and Caius Antony, Cicero's colleague in the consulship.

70. *Ut de Repub. quisque mereatur.*] He wished that good may come upon those who deserve well of the republic, and evil upon those who deserve ill.

IN

M. ANTONIUM

PHILIPPICA IX.

SERVIUS SULPICIUS was the friend and companion of Cicero. In their youthful days they pursued the same studies, under the same instructors, nor did difference of interest, or the discords of civil war, diminish their attachment to each other in their riper years. Sulpicius was fond of oratory, but when he found that he could not rival his friend, he left the forum to Cicero, and directed his whole attention to the study of the law. In this he excelled as much as Cicero did in eloquence. He was a friend to liberty; and such was his attachment to pacific measures, that, in the struggle between Pompey and Cæsar, he was styled *the peace maker.* Though he most approved of the cause of Pompey, he never took up arms in its defence; and when victory was declared in favour of Cæsar, he acquiesced, for the sake of peace, in the measures of the conqueror, but was never brought to approve of them. After Cæsar's death he was sent with L. Philippus and L. Piso, both consular senators, on an embassy to Antony, to desire him, in the name of the senate, to quit the seige of Modena, and desist from all hostilities in Gaul; but died before he reached Antony's camp. When the news of his death was brought to Rome, Pansa called the senate together to deliberate on what honours were to be decreed to his memory. Pansa himself, spoke largely in his commendation, and advised to pay him all the marks of esteem which had ever been decreed to any who lost their lives in the service of their country;—a public funeral, a sepulchre, and a statue. Servilius, who spoke next, agreed to a funeral and monument, but not to a statue, as that was due only to those with had been killed in the discharge of their embassies. Cicero was not content who this, but out of friendship to the man, as well as regard to the public service, resolved to have all the honours paid to him which the occasion could possibly justify. In answer, therefore, to Servilius, he shows, in this oration, that the cause of Sulpicius was the same with that of those who fell by violence in their embassies. A statue was accordingly granted, and Cicero had the satisfaction of seeing his wishes gratified to their full extent on behalf of his deceased friend. This oration was delivered A. U. C. 710. *Anno Ciceronis* 64.

EXORDIUM.

I. VELLEM, dii immortales fecissent, P. C. ut vivo potius Servio Sulpicio gratias ageremus, quàm mortuo honores quæreremus. Nec verò dubito, quin, si ille vir [a] legationem renunciare potuisset, reditus ejus et nobis gratus fuerit, et reipublicæ salutaris futurus: non quo L. Philippo et L. Pisoni aut studium, aut cura defuerit in tanto officio tantoque munere; sed cum Servius Sulpicius ætate illos anteiret, sapientiâ omnes, subitò ereptus è causâ totam legationem orbam et [b] debilitatam reliquit.

NARRATIO.

In quà exponit nulli legato justiorem honorem decerni potuisse. ¶

II. Quòd si cuiquam justus honos 'habitus est in morte legato, in nullo justior, quàm in Ser. Sulpicio, reperietur. Cæteri, qui in lega-

INTERPRETATIO.

a *legatione peractâ domum redire.* b *imperfectam.*

NOTES.

7. *Sapientiâ omnes.*] He says, that Sulpicius excelled all others in his knowledge, both of human and divine law: he is said to have left eighty books.

tione mortem obierunt, ad incertum vitæ periculum, sine ullo mortis metu, profecti sunt: Ser. Sulpicius cum aliquâ perveniendi ad M. Antonium spe profectus est, nullâ revertendi; qui cùm ita [a] affectus esset, ut, si ad gravem valetudinem labor vitæ accessisset, [b] sibi ipse diffideret, non recusavit, quò minùs vel [c] extremo spiritu, si quam opem reipublicæ ferre posset, [d] experiretur. Itaque non illum vis hiemis, non nives, non longitudo itineris, non asperitas viarum, non morbus ingravescens retardavit: cùmque jam ad congressum colloquiumque ejus pervenisset, ad quem erat missus; in ipsâ curâ et meditatione obeundi sui muneris excessit è vitâ. Ut igitur alia, sic hoc, C. Pansa, præclare, quòd nos ad ornandum Ser. Sulpicium cohortatus es, et ipse multa copiosè de illius laude dixisti; quibus à te dictis, nihil præter sententiam dicerem, nisi P. Servilio respondendum putarem, qui hunc honorem statuæ nemini tribuendum censuit, nisi ei qui ferro esset in legatione interfectus. Ego autem, P. C. sic interpretor sensisse majores nostros, ut causam mortis censuerint, non genus esse quærendum.

DIVISIO ET CONFIRMATIO.

In quâ probat Servo Sulpicio in legatione suâ mortuo statuam esse decernendam, quia in legatione obiit.

Digreditur etiam ad laudes Sulpicii celebrandas ab animi bonis, à juris scientiâ præsertim.

III. Etenim cui legatio ipsa morti fuisset, ejus monumentum extare voluerunt; ut in bellis periculosis obirent homines legationis munus audaciùs. Non igitur exempla majorum quærenda, sed consilium est eorum, à quo ipsa exempla nata sunt, explicandum. Lar Tolumnius, rex Veientium, quatuor legatos populi Romani Fidenis interemit; quorum statuæ in Rostris steterunt usque ad nostram memoriam: justus honos; iis enim majores nostri qui ob rempublicam mortem obierant, pro brevi vitâ diuturnam memoriam reddiderunt. Cn. Octavii, clari viri et magni, qui primus in eam familiam, quæ postea viris fortissimis floruit; attulit Consulatum, statuam vide-

a *ægrotaret.* b *desperaret* de *vitâ suâ.* c *agens animam.* d *tentaret.*

5. *Nullâ revertendi.*] When he was in bad health, he went as a lieutenant to Antony, but without any hope of returning.

9. *Longitudo itineris.*] Mutina is distant seven days' journey from Rome.

12. *Ut igitur alia.*] That is, Pansa, who was in the habit of speaking generously, spoke by far the most so when he exhorted the senate to honour Sulpicius, whom he had extolled with so many praises.

4. *Lar Tolumnius.*] Lar or Lars, was an augur who fought for Turnus against Æneas. See *Virgil. lib.* 12. *Expediuntque manus, primusque Tolumnius Augur.*

5. *Rex Veientium.*] Veiens or Veientium was the first city of that nation, and was originally called Larthenianum, but afterwards Veiens by the Romans.

Ib. *Fidenis.*] Fidenæ was an ancient and large city of Latium, and a Roman colony; the inhabitants of which, in the year of the city 327, revolted to Lars Tolumnius. When four ambassadors were sent to them by the Romans, to inquire the cause of their defection, they were slain by the order of Tolumnius.

9. *Cn. Octavii.*] The Octavian family was formerly added to the patricians by Servius Tullius; but after some years it passed again to the plebeians. The first was C. Octavius Rufus, the quæstor, the father of Cn. and Caius, from whom a double family of Octavians arose, in different conditions. For those who sprung from Cneus were endowed with the greatest honours; but Caius and his offspring remained in the equestrian order, even down to the father of Augustus, who,

mus in Rostris; nemo tùm novitati invidebat, nemo virtutem non honorabat. At ea fuit legatio Octavii, in quâ periculi suspicio non subesset. Nam cùm esset missus à Senatu ad animos regum perspiciendos liberorumque populorum, maximèque ut nepotem Antiochi regis, ejus qui cum majoribus nostris bellum gesserat, classes habere, elephantos alere prohiberet, Laodiceæ in gymnasio à quodam Leptine est interfectus. Reddita est ei tum à majoribus statua pro vitâ, quæ multos per annos progeniem ejus honestaret, nunc ad tantæ familiæ memoriam sola restaret. Atqui et huic, et Tullio Cluvio, et Lucio Roscio, et Sp. Antio, et C. Fulcinio, qui à Veientium rege cæsi sunt, non sanguis, qui est profusus in morte, sed ipsa mors ob rempublicam obita, honori fuit. Itaque P. C. si Ser. Sulpicio casus mortem attulisset, dolorem quidem tanto reipublicæ vulnere, mortem verò ejus non monumentis, sed luctu publico esse honorandam putarem. Nunc autem quis dubitat, quin ei vitam abstulerit ipsa legatio? secum enim ille mortem extulit: quam, si nobiscum remansisset, suâ curâ, optimi filii, fidelissimæque conjugis diligentiâ vitare potuisset. At ille, cùm videret, si vestræ auctoritati non paruisset, dissimilem se futurum sui; sin paruisset, munus sibi illud pro republicâ susceptum vitæ finem fore; maluit in maximo reipublicæ discrimine emori, quàm minus, quàm potuisset, videri reipublicæ profuisse. Multis illi in urbibus, quà iter faciebat, reficiendi se et curandi potestas fuit: aderat hospitum invitatio liberalis pro dignitate summi viri, et eorum hortatio, qui unà erant missi, ad requiescendum, et vitæ consulendum. At ille properans, festinans, mandata vestra conficere cupiens, in hac constantiâ, morbo adversante, perseveravit. Cujus cùm adventu maximè perturbatus esset Antonius, quòd ea, quæ sibi jussu vestro denunciarentur, auctoritate erant et sententiâ Ser. Sulpicii constituta; declaravit quàm odisset Senatum, cùm auctorem Senatûs extinctum [a] lætè atque insolenter tulit. Non igitur magis Octavium Leptines, nec Veientium rex eos, quos modo nominavi, quàm Ser. Sulpicium occîdit Antonius. Is enim profectò mortem attulit, qui causa mortis fuit. Quocirca ad posteritatis etiam memoriam pertinere arbitror, extare, quod fuerit de hoc bello judicium Senatûs; erit enim statua ipsa testis, bellum tam grave fuisse, ut legati interitus honoris memoriam consecutus sit. Quod si

a *gavisus est insolenter.*

having ended his prætorship, obtained the province of Macedonia. But the other family, which rose from Cneus, perished entirely, and there was nothing left to support his memory, but his statue. For when he was sent to Sides, the son of Demetrius, the grandson of Antiochus the great, and had a divining rod around him, and had sworn that he should not depart from the circle, until he should give an answer, he was slain by order of the king, and a statue erected to him by the senate in the forum.

16. *Laodiceæ.*] There is a Laodicea in Phrygia, which forms the greater part of the country, and another in Media, in which it appears that he was slain; for Media was a province of Syria, where Antiochus reigned.

Ib. *Quodam Leptine.*] Some unknown person, who either through hatred of the Romans, or by the command of the king, slew the ambassador.

19. *Et huic.*] Namely, to Sulpicius.

28. *Dissimilem sui.*] Sulpicius had always obeyed the commands of the senate, even at the risk of his life, as when he undertook to fill a lieutenency under Antony, being at the same time in delicate health.

34. *Ad requiescendum.*] They exhorted Sulpicius to take some rest for the sake of his health.

excusationem Ser. Sulpicii, P. C. legationis obeundæ recordari volueritis, nulla dubitatio relinquetur, quin honore mortui, quam vivo injuriam fecimus, sarciamus. Vos enim P. C. (grave dictu est, sed dicendum tamen) vos, inquam, Ser. Sulpicium vitâ privastis. Quem cùm videretis re magis morbum, quàm oratione excusantem, non vos quidem crudeles fuistis (quid enim minus in hunc ordinem convenit?) sed cùm speraretis nihil esse, quod non illius auctoritate et sapientiâ effici posset, vehementiùs excusationi obstitistis; atque eum, qui semper vestrum consensum gravissimum judicavisset, [a] de sententiâ dejecistis. Ut verò Pansæ Consulis accessit cohortatio gravior, quàm aures Ser. Sulpicii ferre didicissent, tum verò denique filium, meque [b] seduxit, atque ita locutus est, ut auctoritatem vestram vitæ suæ se diceret anteferre; cujus nos virtutem admirati, non ausi sumus adversari voluntati: movebatur singulari pietate filius: non multum ejus perturbationi meus dolor concedebat: sed uterque nostrûm cedere cogebatur magnitudini animi, orationisque gravitati; cùm quidem ille maximâ laude et gratulatione omnium vestrûm pollicitus est, se quod velletis esse facturum, neque ejus sententiæ periculum vitaturum, cujus ipse auctor fuisset: quem exequi mandata vestra properantem mane postridie prosecuti sumus; qui quidem discendens mecum ita locutus est, ut ejus oratio omen [c] fati videretur. Reddite igitur, P. C. ei vitam, cui ademistis; vita enim mortuorem in memoriâ vivorum est posita: perficite ut is, quem vos inscii ad mortem misistis, immortalitatem habeat [illegible], cui si statuam in Rostris decreto vestro statueritis, nulla ejus legationem posteritatis obscurabit oblivio. Nam reliqua Ser. Sulpicii vita multis erit præclarisque monumentis ad omnem memoriam commendata; semper illius gravitatem, constantiam, fidem, præstantem in republicâ tuendâ curam atque prudentiam, omnium mortalium fama celebrabit. Nec verò silebitur admirabilis quædam et incredibilis, ac penè divina ejus in legibus interpretandis, æquitate explicandâ, scientia. Omnes ex omni ætate, qui in hac civitate intelligentiam juris habuerunt, si unum in locum conferantur, cum Ser. Sulpicio non sunt comparandi. Neque enim ille magis Juris consultus, quàm Justitiæ fuit. Ita ea, quæ proficiscebantur à legibus, et à jure civili, semper [d] ad facilitatem æquitatemque referebat; neque instituere litium actiones malebat, quàm controversias tollere. Ergo hoc statuæ monumento non eget; habet alia majora: hæc enim statua mortis honestæ testis erit: illa, memoria vitæ gloriosæ: ut hoc magis monumentum grati Senatûs, quàm clari viri futurum sit. Multum etiam valuisse ad patris honorem pietas filii videbitur, qui quanquam afflictus luctu non adest, tamen sic [e] animati esse debetis, ut si ille adesset: est autem ita [f] affectus, ut nemo unquam unici filii mortem magis doluerit, quàm ille mœret patris. Et quidem etiam ad famam Ser. Sulpicii filii arbitror pertinere, ut videatur honorem debitum patri præs-

a *coegistis mutare sententiam.* b *sevocavit.* c *mortis.*
d *judicabat ex æquo jure.* e *affecti.* f *tristis.*

78. *Magis Juris consultus, quàm Justitiæ.*] Right is granted by the laws, but justice by equity, which is the constant and perpetual disposition of rendering to every one his own.

81. *Actiones.*] *Actio* is the right of prosecuting in court, but this is a dispute between two persons concerning any thing, before a constituted judge.

titisse; quanquam nullum monumentum clarius Ser. Sulpicius relinquere potuit, quàm effigiem morum suorum, virtutis, constantiæ, pietatis, ingenii, filium: cujus luctus aut hoc honore vestro, aut nullo solatio levari potest. Mihi autem recordanti Ser Sulpicii multos in familiaritate nostrâ sermones, gratior illi videtur, si quis est sensus in morte, ænea statua futura, et ea pedestris, quàm inaurata equestris; qualis est L. Syllæ prima statua: mirificè enim Ser. Sulpicius majorum continentiam diligebat; hujus seculi insolentiam vituperabat. Ut igitur si ipsum consulam, quid velit, sic pedestrem ex ære statuam, tanquam ex ejus auctoritate et voluntate decerno; quæ quidem magnum civium dolorem et desiderium honore monumenti minuet et leniet. Atque hanc meam sententiam, P. C. P. Servilii sententia comprobari necesse est, qui sepulcrum publicè decérnendum Ser. Sulpicio censuit, statuam non censuit. Nam si mors legati sine cæde atque ferro nullum honorem desiderat, cur decernit honorem sepulturæ, qui maximus haberi potest mortuo? Sin id tribuit Ser. Sulpicio, quod non est datum Cn. Octavio; cur, quod illi datum est, huic dandum esse non censet? Majores quidem nostri statuas multis decreverunt, sepulcra paucis: sed statuæ intereunt tempestate, vi, vetustate: sepulcrorum autem sanctitas in ipso solo est, quod nulla vi moveri neque deleri potest; atque ut cætera extinguuntur, sic sepulcra sanctiora fiunt vetustate. Augeatur igitur isto etiam honore is vir, cui nullus honor tribui non debitus potest: grati simus in ejus morte decorandâ, cui nullam jam aliam [a] gratiam referre possumus: notetur etiam M. Antonii, nefarium bellum gerentis, scelerata audacia; his enim honoribus habitis Ser. Sulpicio, repudiatæ rejectæque legationis ab Antonio manebit testificatio sempiterna.

PERORATIO.

Peroratio complectitur honores, quibus in sepulcro et statuâ Servius Sulpicius ex mandato Consulum ornari debet.

IV. Quas ob res ita censeo: CUM Ser. Sulpicius Q. F. Lemonia, Rufus, difficillimo reipublicæ tempore, gravi periculosoque morbo affectus, auctoritatem Senatûs salutemque populi Romani vitæ suæ præposuerit, contraque vim gravitatemque morbi contenderit, ut in castra Antonii, quò Senatus eum miserat, perveniret; isque cùm jam propè castra venisset, vi morbi oppressus vitam amiserit in maximo reipublicæ munere: ejusque mors consentanea vitæ fuerit, sanctissimè honestissimèque actæ, in quâ sæpe magno usui reipublicæ Ser. Sulpicius et privatus et in magistratibus fuerit: cùm talis vir ob rempub-

a *gratitudinem.*

91. *Quàm effigiem morum.*] The son ought to bear the image of his father, by following his virtues.

96. *L. Syllæ prima statua.*] There were three statues erected to Sylla the dictator, and placed in the rostra; the first, according to Pliny, *lib.* 34, was a pedestrian statue made of brass, the others were equestrian statues.

109. *Sanctitas in ipso solo est.*] He asserts, that it was more glorious that a tomb should be decreed than a statue; because, after a statue perishes, the place where it stood is no more remembered; but after a sepulchre falls to decay, the place still remains sacred, and cannot be converted to profane uses, because the place where a dead body was laid was accounted sacred.

1. *Cùm Ser. Sulpicius.*] This Servius Sulpicius was the son of Q. Sulpicius Rufus, of the Lemonian tribe, which was so called from the village Lemonium, near the gate Capena, on the Latin way.